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Rules, Regulations, Orders

TITLE 8—ALIENS AND CITIZENSHIP

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

REARRANGEMENT AND OTHER CHANGES IN TITLE 8, CODE OF FEDERAL REGULATIONS

JANUARY 9, 1941.

In order to facilitate reference to the regulations of the Immigration and Naturalization Service, Department of Justice, notice is hereby given of the following changes effective on and after January 13, 1941.

Title 8, Code of Federal Regulations, now entitled "Aliens and Citizenship", shall hereafter be entitled "Aliens and Nationality."

Chapter I, now entitled "Immigration and Naturalization Service, Department of Labor", shall hereafter be entitled "Immigration and Naturalization Service, Department of Justice."

Subchapter A, now entitled "Immigration Rules and Regulations," shall hereafter be Subchapter B, entitled "Immigration Regulations."

Subchapter B, now entitled "Chinese Rules and Regulations," shall hereafter be Subchapter C, entitled "Chinese Regulations."

Subchapter C, now entitled "Naturalization Rules and Regulations," shall hereafter be Subchapter D, entitled "Nationality Regulations."

Subchapter D, now entitled "Administrative Organization," shall hereafter be Subchapter A, retaining the same heading.

The following parallel reference table gives in the left hand column the numbers of the various Parts of Chapter I, and the Subchapters in which they appeared, prior to the rearrangement hereby noticed, and in the right hand column the corresponding Part numbers and Subchapter location in the rearranged chapter:

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¹ No corresponding Parts in rearranged chapter. Old Parts repealed effective January 13, 1941.

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In the rearrangement of Chapter I of Title 8, the following Part numbers are assigned to the respective subchapters:

Subchapter A—Administrative Organization—Parts 1 to 99, inclusive.

Subchapter B—Immigration Regulations—Parts 100 to 199, inclusive.

Subchapter C—Chinese Regulations—Parts 200 to 299, inclusive.

Subchapter D—Nationality Regulations—Parts 300 to 399, inclusive.

Although one hundred Part numbers are assigned to each subchapter, all of the Part numbers in any subchapter have not as yet, and may never be, fully utilized. Unused Part numbers are reserved for possible future expansion, and no significance should be attached to the fact that published Parts in any subchapter are not in consecutive numerical order.

LEMUEL B. SCHOFIELD,
Special Assistant to the
Attorney General, In charge
Immigration and Naturalization Service.

[F. R. Doc. 41-233; Filed, January 10, 1941;
10:56 a. m.]

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[General Order No. C-28]

REGULATIONS UNDER THE NATIONALITY ACT OF 1940; OTHER CHANGES

JANUARY 9, 1941.

Pursuant to the authority conferred by section 327 of the Nationality Act of 1940 (54 Stat. 1150), section 37 (a) of the Act of June 28, 1940 (54 Stat. 675), § 90.1, Title 8, Chapter I, Code of Federal Regulations (5 F.R. 3503) and all other authority conferred by law, the following regulations are hereby promulgated:

Repeal of Certain Existing Regulations

Effective January 13, 1941, present Subchapter C, Naturalization Rules and Regulations, of Chapter I, Title 8, Code of Federal Regulations, is repealed in its entirety, including the subchapter designation, title, and all Parts thereof. (Naturalization Rules and Regulations of December 1, 1936, as amended)

Effective January 13, 1941, present §§ 28.1, 28.2 and 28.8 of Part 28, Subchapter A, Immigration Rules and Regulations, are repealed. (Rule 29, Subdivisions A and B and Subdivisions F, Paragraph 3, Immigration Rules and Regulations of January 1, 1930, Edition of December 31, 1936, as amended.)

Effective January 13, 1941, present Part 26 of Subchapter A, Immigration Rules and Regulations, is repealed. (General Order No. C-20 of June 4, 1940; 5 F.R. 2147)

New Regulations

Effective January 13, 1941, the following new regulations are promulgated as

portions of Title 8, Chapter I, Code of Federal Regulations:

SUBCHAPTER A—ADMINISTRATIVE ORGANIZATION

PART 60—ADMINISTRATIVE FIELD OFFICERS

- Sec.
- 60.1 District directors and assistant district directors; powers and duties.
- (a) District directors.
- (b) Assistant district directors.
- 60.2 Divisional directors and assistant divisional directors; powers and duties.
- (a) Divisional directors.
- (b) Assistant divisional directors.
- 60.3 Naturalization examiners and officers; powers and duties.
- 60.4 Investigation and report where certificate or other document procured illegally or fraudulently.
- 60.5 Investigation and report of possible criminal offenses.

§ 60.1 *District directors and assistant district directors; powers and duties.*—(a) *District directors.* A district director shall be in charge of an administrative field district, and shall at all times be subject to the immediate control, direction, and supervision of the Commissioner or a Deputy Commissioner. A district director, in addition to other duties imposed by law or regulation, shall have the immediate control, direction, and supervision of all officers and employees within his district, and may, with the approval of the Commissioner or Deputy Commissioner, prescribe such regulations not inconsistent with law, effective within his district, as may be necessary for the efficient transaction of business, and the custody, use, and preservation of records, papers, and equipment, and to govern and control such officers and employees.

(b) *Assistant district directors.* The assistant district director of a field district shall perform such duties as may from time to time be assigned to him by the district directors. In case of the death, resignation, illness, or absence of the district director, or of his inability to serve, the assistant district director shall be the administrative officer in charge of the district.*

* §§ 60.1 to 60.5, inclusive, issued under the authority contained in sec. 23, 39 Stat. 892, 8 U.S.C. 102; sec. 24, 43 Stat. 166, 8 U.S.C. 222; sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 60.2 *Divisional directors and assistant divisional directors; powers and duties.*—(a) *Divisional directors.* A divisional director shall be the officer in charge of a field subdistrict, and shall at all times be subject to the immediate control, direction, and supervision of the district director. A divisional director shall have the immediate control, direction, and supervision of all officers and employees within such subdistrict. A divisional director, in addition to other duties imposed by law or regulation, shall perform such other duties as may be assigned to him by the district director within whose jurisdiction he is located.

(b) *Assistant divisional directors.* The assistant divisional director of a field sub-district shall perform such duties as may from time to time be assigned to him by the divisional director. In the case of the death, resignation, illness, or absence of the divisional director, or of his inability to serve, the assistant divisional director shall be the administrative officer in charge of the subdistrict.*

§ 60.3 *Naturalization examiners and officers; powers and duties.* It shall be the duty of the appropriate naturalization examiners or officers, under the supervision of the district director or divisional director, to investigate thoroughly the qualifications and eligibility of applicants or petitioners for naturalization and their witnesses, of applicants for certificates of citizenship and their witnesses, and of applicants for registry and their witnesses; to make the necessary investigations and reports of all pertinent facts in naturalization cases; to make recommendations to the courts; to cooperate with the naturalization courts, and other appropriate agencies, in surrounding naturalization proceedings with the dignity which should attend the conferring of citizenship, and in furthering an annual New Citizens Day ceremony at which recognition is given to persons who have become citizens through naturalization during the year; to obtain the cooperation of public and private agencies in promoting instruction and training in citizenship duties and responsibilities of applicants for naturalization through the public schools; to perform such other duties as may be assigned to such examiners or officers; and to submit such reports as may be required to heads of field districts or subdistricts, and to the Commissioner.*

§ 60.4 *Investigation and report where certificate or other document procured illegally or fraudulently.* It shall be the duty of all naturalization officers who believe or have reason to believe that any certificate of naturalization or of citizenship or any evidence of nationality status has been wrongfully issued, or illegally or fraudulently obtained or procured, to investigate or cause to be investigated immediately all pertinent facts and circumstances covering the issuance or procuring of such certificate or evidence, and to report the same in writing to the Commissioner with appropriate recommendations.*

§ 60.5 *Investigation and report of possible criminal offenses.* It shall be the duty of all naturalization officers, believing or having reason to believe that an offense has been committed against the nationality laws of the United States, to investigate or cause to be investigated immediately all pertinent facts and circumstances concerning the commission of such offense, and to report the results of such investigation in writing without delay to the Commissioner, with appropriate recommendations. No criminal action shall be instituted in any such case except by direction of the Commissioner or a Deputy Commissioner, un-

less the statute of limitations is about to run or there is likelihood that the person believed to be guilty will flee, in which case the facts should be reported immediately to the proper United States Attorney with appropriate recommendations. Report shall be made at the same time to the Commissioner of the action taken.*

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301.16	Definition of "Service".
301.17	Definition of "designated examiner".

¹This table of contents includes only the Parts of Subchapter D published in this issue of the FEDERAL REGISTER. Necessary additions to the subchapter will be made hereafter.

§ 301.1 *Definitions of "national", "alien", "state", "permanent", "allegiance", and "stateless person".* The term "national" means a person owing permanent allegiance as a citizen or a subject or otherwise to a state, including the United States. An "alien" is a person who is neither a citizen nor a national of the United States. The term "state" means a member of the community of nations, including its outlying possessions, the term "state" does not include a State of the United States. The term "permanent" as used in this Part in relation to allegiance means a relationship of a continuing or lasting nature, as distinguished from a "temporary" relationship; but a relationship may be permanent even though it is one which may be dissolved eventually at the instance either of the United States or of the individual, in accordance with law. The term "allegiance" means the tie which binds the individual to the state of which he is a national and denotes the sum of the obligations which he owes to the state. A "stateless person" is an alien who does not owe permanent allegiance to any state.* (Nationality Act of 1940, secs. 101 (a) (b), 321, and 335, 54 Stat. 1137, 1148, 1157)

*§§ 301.1 to 301.7, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 C.F.R. 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 301.2 *Definitions of "national of the United States" and "citizen of the United States".* The term "national of the United States" means any person who owes permanent allegiance to the United States, whether or not he is a citizen of the United States. The term "citizen of the United States" means a person who, through birth or naturalization, has acquired citizenship of the United States and has not lost that status. Neither of these two terms includes an alien, except that a citizen of the Philippine Islands who is not a citizen of the United States shall be considered as if an alien under the laws of the United States relating to the immigration, exclusion, and expulsion of aliens.* (Const. U.S. sec. 1, Art. 14; Nationality Act of 1940, sec. 101 (b), 54 Stat. 1137; sec. 8, 47 Stat. 767; 48 U.S.C. 1238)

§ 301.3 *Definition of "naturalization".* The term "naturalization" means the conferring of nationality of a state upon a person after birth.* (Nationality Act of 1940, sec. 101 (c), 54 Stat. 1137)

§ 301.4 *Definition of "United States".* The term "United States" when used in a geographical sense means the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.* (Nationality Act of 1940, sec. 101 (d), 54 Stat. 1137)

§ 301.5 *Definition of "outlying possessions".* The term "outlying possessions" means all territory over which the United States exercises rights of sovereignty other than the continental United States, Alaska, Hawaii, Puerto Rico, the Virgin Islands of the United States, and the

Canal Zone.* (Nationality Act of 1940, sec. 101 (e), 54 Stat. 1137)

§ 301.6 *Definition of "State".* The term "State" as used in Chapter III of the Nationality Act of 1940, except in section 301 (a) thereof, includes Alaska, Hawaii, the District of Columbia, Puerto Rico, and the Virgin Islands of the United States.* (Nationality Act of 1940, sec. 102 (a), 54 Stat. 1138)

§ 301.7 *Definition of "foreign state".* The term "foreign state", as used in section 404 of the Nationality Act of 1940, includes outlying possessions of a foreign state, but self-governing dominions (such as Australia, New Zealand, Canada, and the Union of South Africa) and territory under mandate (such as Palestine and Trans-Jordan, Syria and Lebanon, South-West Africa, and Western Samoa) shall be regarded as separate states.* (Nationality Act of 1940, sec. 103, 54 Stat. 1138)

§ 301.8 *Definition of "residence".* For the purposes of sections 201, 307 (b), and 403 to 407, inclusive, of the Nationality Act of 1940, the place of a person's general abode shall be deemed the place of his residence. The place of general abode of a person is his principal dwelling place.* (Nationality Act of 1940, sec. 104, 54 Stat. 1138)

§ 301.9 *Definition of "parent".* The term "parent" includes either the father or the mother, the deceased parent of a posthumous child, and the mother of an illegitimate child.* (Nationality Act of 1940, secs. 101 (f) and 102 (h), 54 Stat. 1137, 1138)

§ 301.10 *Definition of "child".* The term "child" includes a child legitimated under the law of the child's residence or domicile, whether in or outside of the United States; also, a child adopted in the United States, provided that such legitimation or adoption takes place before the child reaches the age of sixteen years, and the child is in the legal custody of the legitimating or adopting parent or parents.* (Nationality Act of 1940, sec. 102 (h), 54 Stat. 1138.)

§ 301.11 *Definition of "minor".* The term "minor" means a person under twenty-one years of age, regardless of the meaning of the term under any State or foreign law.* (Nationality Act of 1940, sec. 101 (g), 54 Stat. 1137.)

§ 301.12 *Definition of "naturalization court".* The term "naturalization court", unless otherwise particularly described, means a court which is authorized by section 301 (a) of the Nationality Act of 1940 to exercise naturalization jurisdiction.* (Nationality Act of 1940, secs. 102 (b) and 346 (c), 54 Stat. 1138, 1167.)

§ 301.13 *Definition of "clerk of court".* The term "clerk of court" means a clerk of a naturalization court as defined in § 301.12, except as provided in section 346 (c) of the Nationality Act of 1940.* (Nationality Act of 1940, sec. 102 (c), 54 Stat. 1138)

§ 301.14 *Definition of "Attorney General".* The term "Attorney General"

means the Attorney General of the United States.* (Nationality Act of 1940, sec. 102 (e), 54 Stat. 1138)

§ 301.15 *Definitions of "Commissioner" and "Deputy Commissioner".* The terms "Commissioner" and "Deputy Commissioner" mean, respectively, the Commissioner of Immigration and Naturalization, and a Deputy Commissioner of Immigration and Naturalization, United States Department of Justice.* (Nationality Act of 1940, sec. 102 (d), 54 Stat. 1138)

§ 301.16 *Definition of "Service".* The term "Service" means the Immigration and Naturalization Service of the United States Department of Justice.* (Nationality Act of 1940, sec. 102 (f), 54 Stat. 1138)

§ 301.17 *Definition of "designated examiner".* The term "designated examiner" means a member of the Service designated under section 333 (a) of the Nationality Act of 1940 by the Commissioner or a Deputy Commissioner to act as a designated examiner for the purpose of conducting preliminary naturalization hearings and making findings and recommendations thereon to the appropriate naturalization courts.* (Nationality Act of 1940, secs. 102 (g) and 333 (a), 54 Stat. 1138, 1156)

PART 320—NATURALIZATION COURTS AND THEIR JURISDICTION

Sec.
320.1 Jurisdiction of courts to naturalize.
320.2 Limitations on judicial jurisdiction.
320.3 Jurisdiction to accept declarations of intention.
320.4 Limited period for disposing of petitions for naturalization filed prior to January 13, 1941.

§ 320.1 *Jurisdiction of courts to naturalize.* Exclusive general jurisdiction to naturalize aliens and other noncitizens of the United States is conferred by the Nationality Act of 1940 upon all District Courts of the United States in any State, in the Territories of Hawaii and Alaska, and in the District of Columbia and in Puerto Rico; upon the District Court of the Virgin Islands of the United States, and upon all courts of record in any State or Territory, having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited.* (Nationality Act of 1940, sec. 301 (a), 54 Stat. 1140)

* §§ 320.1 to 320.4, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1 Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 320.2 *Limitations on judicial jurisdiction.* The jurisdiction of a court to naturalize any person from and after January 13, 1941, is limited to persons resident within the jurisdiction of such court, except in those cases described in sections 312, 317, 318, 322, 323, 324, and 325, of the Nationality Act of 1940, in which the requirement of residence within the court's jurisdiction is dispensed with.*

(Nationality Act of 1940, secs. 301 (a), 312, 317, 318, 322, 323, 324, and 325, 54 Stat. 1140, 1145, 1146, 1147, 1148-1150)

§ 320.3 *Jurisdiction to accept declarations of intention.* A noncitizen of the United States, otherwise eligible to make a declaration of intention to become a citizen of the United States, may do so in any naturalization court, regardless of the place of his residence in the United States.* (Nationality Act of 1940, sec. 331, 54 Stat. 1153)

§ 320.4 *Limited period for disposing of petitions for naturalization filed prior to January 13, 1941.* All petitions for naturalization filed in naturalization courts prior to January 13, 1941, and which were pending on that date, must be finally heard and determined within two years thereafter, in accordance with the requirements of law in effect when the petitions were filed.* (Nationality Act of 1940, sec. 347 (b), 54 Stat. 1168)

PART 324—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: CHILDREN

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324.2 A child not a citizen of the United States who has been adopted by a citizen of the United States.
324.3 A child under the age of 18 years who was formerly a citizen of the United States and who lost such citizenship through the cancellation of a parent's naturalization.
324.4 Petitions for naturalization filed in behalf of children; procedure.

§ 324.1 *A child born outside of the United States, one of whose parents is a citizen of the United States by birth or naturalization at the time of petitioning for naturalization of the child.* A child not a citizen and born outside of the United States, one of whose parents is a citizen of the United States by birth or naturalization at the time of petitioning for the naturalization of such child, may be naturalized on petition of the citizen parent to the naturalization court within whose jurisdiction the parent and child reside. The petition for naturalization shall be filed and final action thereon taken while the child is under the age of 18 years. No declaration of intention shall be required. No definite period of residence in the United States or a State shall be required, but it must be established that the child in whose behalf the petition is filed is residing permanently in the United States with the citizen parent pursuant to lawful entry. A certificate of arrival shall be filed with the petition. There shall be included in the petition the affidavits of at least two credible witnesses, citizens of the United States, stating the length of time each of such witnesses has known the citizen parent and the child in whose behalf the petition is filed, that the said child has been and is permanently residing with the citizen parent in the United States, and that to the best of the wit-

ness' knowledge and belief the said child is qualified to become a citizen of the United States. At the hearing on the petition, the facts of the child's residence and the other qualifications described in section 307 (a) of the Nationality Act of 1940 shall be proved by the oral testimony of at least two credible witnesses who are citizens of the United States as required by section 309 (b) of the said Act. The child's racial eligibility and ability to speak the English language shall be established by such evidence as may be satisfactory to the naturalization court. Before being admitted to citizenship the child in whose behalf the petition is filed shall take the oath prescribed by section 335 of the said Act, except that such oath may be waived by the naturalization court, if, in the opinion of the court, the child is too young to understand the meaning of such oath.* (Nationality Act of 1940, secs. 309, 315, and 335, 54 Stat. 1143, 1146, 1157)

*§§ 324.1 to 324.4, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 324.2 *A child not a citizen of the United States who has been adopted by a citizen of the United States.* A child not a citizen of the United States who has been adopted by a citizen or citizens of the United States may be naturalized on petition of the adoptive parent or parents to the naturalization court within whose jurisdiction the adoptive parent or parents and the child reside. The petition for naturalization shall be filed and final action thereon taken while the adopted child is under the age of 18 years. No declaration of intention shall be required. Proof of at least two years' continuous residence in the United States immediately preceding the date of filing the petition, and proof that the child has been adopted in the United States under the age of 16 years and has been in the legal custody of the adoptive parent or parents for at least two years prior to the filing of the petition, shall be furnished. A certificate of arrival shall be filed with the petition. There shall be included in the petition the affidavits of at least two credible witnesses, citizens of the United States, stating that each has personally known the adopted child to have been a resident of the United States for at least two years continuously immediately preceding the date of the filing of the petition and that to the best of the witness' knowledge and belief the said child is qualified to become a citizen of the United States. At the hearing on the petition, the facts of the child's residence and the other qualifications described in section 307 (a) of the Nationality Act of 1940, shall be proved by the oral testimony of at least two credible witnesses who are citizens of the United States as required by section 309 (b) of the said Act. The child's

racial eligibility and ability to speak the English language shall be established by such evidence as may be satisfactory to the naturalization court. Before being admitted to citizenship the child in whose behalf the petition is filed shall take the oath prescribed by section 335 of said Act, except that such oath may be waived by the naturalization court if, in the opinion of the court, the child is too young to understand the meaning of such oath.* (Nationality Act of 1940, secs. 309, 316, and 335, 54 Stat. 1143, 1146, 1157)

§ 324.3 *A child under the age of 18 years who was formerly a citizen of the United States and who lost such citizenship through the cancellation of a parent's naturalization.* A person who, as a minor child, lost United States citizenship through the cancellation of its parent's naturalization, may be naturalized if under the age of 18 years on petition of a parent or guardian to the naturalization court within whose jurisdiction the child resides. No declaration of intention shall be required. A period of at least six months' continuous residence within the State of the child's residence immediately preceding the date of the petition, and at least five years' residence within the United States shall be required, but such required residence in the United States need not be continuous. A certificate of arrival shall be filed with the petition. There shall be included in the petition the affidavits of at least two credible witnesses, citizens of the United States, stating that each has personally known the child to have been a resident of the State in which such petition is filed during the entire period of at least six months continuously immediately preceding the date of the filing of the petition, and in the United States for an aggregate period of at least five years preceding the date of the petition, and that to the best of the witness' knowledge and belief the said child is qualified to become a citizen of the United States. At the hearing on the petition, the facts of the child's residence and the other qualifications described in section 307 (a) of the Nationality Act of 1940, shall be proved by the oral testimony of at least two credible witnesses who are citizens of the United States as required by section 309 (b) of the said Act. In addition to the qualifications herein set out, it shall be established by any evidence satisfactory to the naturalization court that the child in whose behalf the petition for naturalization is filed was residing in the United States at the time such child lost citizenship through the cancellation of a parent's naturalization; that prior to such cancellation such child actually was a citizen of the United States, and that the petition for naturalization filed in behalf of such child was filed within two years after the date of the cancellation of the parent's certificate or within two years after the effective date of the Nationality Act of 1940. (For petition

of such a child who is over 18 years of age, see § 330.5.)* (Nationality Act of 1940, secs. 309, 319, and 335, 54 Stat. 1143, 1148, 1157).

§ 324.4 *Petitions for naturalization filed in behalf of children; procedure.* Applications for certificates of arrival and to file petitions for naturalization in behalf of children described in §§ 324.1, 324.2, and 324.3 shall be made on Form N-402, which shall be executed by the petitioning citizen parent, parents, or guardian, as may be appropriate and filed with the appropriate field office of the Service, accompanied by a money order for \$2.50 payable to the "Commissioner of Immigration and Naturalization, Washington, D. C." and three photographs of the child for whom naturalization is sought. Such photographs shall conform to the requirements of Part 364, and shall be signed by the child if the child is able to sign its name. The fee of \$5 for filing the petition shall be paid to the clerk of the naturalization court. Such petition shall be executed in duplicate on Form N-407, numbered consecutively with other petitions, and the original petition shall be bound in chronological order by the clerk of court in the regular volume of petitions for naturalization of each court.* (Nationality Act of 1940, secs. 327 (b), 330, and 342 (a) (2), 54 Stat. 1151, 1152, 1161)

PART 326—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: SPOUSES OF UNITED STATES CITIZENS

Sec.

- 326.1 Alien who after September 21, 1922, and prior to May 24, 1934, has married a citizen of the United States, or alien who married prior to May 24, 1934, a spouse who was naturalized during such period, and during the continuance of the marital status.
- 326.2 Alien who, on or after May 24, 1934, has married a citizen of the United States, or any alien whose spouse was naturalized on or after May 24, 1934, and during the continuance of the marital status.
- 326.3 Alien who on January 13, 1941, is married to or thereafter marries a citizen of the United States, or whose spouse is naturalized after January 13, 1941.
- 326.4 Alien whose citizen spouse is in the employment of the United States Government, or of an American institution of research, or an American firm or corporation engaged in the development of foreign trade and commerce of the United States.
- 326.5 Procedural requirements.

§ 326.1 *Alien who after September 21, 1922, and prior to May 24, 1934, has married a citizen of the United States, or alien who married prior to May 24, 1934, a spouse who was naturalized during such period, and during the continuance of the marital status.* An alien who, after September 21, 1922, and prior to May 24, 1934, married a citizen of the United States, or an alien who married prior to May 24, 1934, a spouse who was naturalized during such period and during the continuance of the marital status, may be naturalized upon compliance with all the requirements of the naturalization

laws, with the following exceptions: (1) no declaration of intention shall be required; and (2) but one year's continuous residence in the United States immediately preceding the filing of the petition for naturalization shall be required in lieu of the five-year period of residence within the United States and the six months' period of residence within the State.* (Nationality Act of 1940, sec. 310 (a), 54 Stat. 1144)

* §§ 326.1 to 326.5, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 326.2 *Alien who, on or after May 24, 1934, has married a citizen of the United States, or any alien whose spouse was naturalized on or after May 24, 1934, and during the continuance of the marital status.* An alien who, on or after May 24, 1934, has married or shall marry a citizen of the United States, or an alien whose spouse was naturalized on or after May 24, 1934, and during the continuance of the marital status, may be naturalized upon compliance with all the requirements of the naturalization laws, with the following exceptions: (1) no declaration of intention shall be required; and (2) but three years' continuous residence in the United States immediately preceding the filing of the petition for naturalization shall be required, in lieu of the five-year period of residence within the United States and the six months' period of residence within the State.* (Nationality Act of 1940, sec. 310 (b), 54 Stat. 1144).

§ 326.3 *Alien who on January 13, 1941, is married to or thereafter marries a citizen of the United States, or whose spouse is naturalized after January 13, 1941.* An alien who on January 13, 1941, is married to, or thereafter marries a citizen of the United States, or whose spouse is naturalized after January 13, 1941, and who shall have resided in the United States in marital union with the citizen spouse for at least one year immediately preceding the filing of the petition for naturalization, may be naturalized upon compliance with all the requirements of the naturalization laws, with the following exceptions: (1) no declaration of intention shall be required; and (2) at least two years' continuous residence in the United States immediately preceding the petition for naturalization shall be required, in lieu of the five-year period of residence within the United States and the six months' period of residence within the State.* (Nationality Act of 1940, sec. 311, 54 Stat. 1145)

§ 326.4 *Alien whose citizen spouse is in the employment of the United States Government, or of an American institution of research, or an American firm or corporation engaged in the development of foreign trade and commerce of the United States.* An alien whose citizen spouse is in the employment of the United States Government, or of an American

institution of research recognized as such by the Attorney General, or an American firm or corporation engaged in the development of the foreign trade and commerce of the United States, and whose citizen spouse is regularly stationed abroad in such employment, may be naturalized upon full compliance with all requirements of the naturalization laws, with the following exceptions: (1) no declaration of intention shall be required; and (2) no prior residence within the United States or within the jurisdiction of the naturalization court shall be required. Such an alien shall declare in good faith an intention to take up permanent residence within the United States immediately upon the termination of such employment abroad of the citizen spouse.* (Nationality Act of 1940, sec. 312, 54 Stat. 1145)

§ 326.5 *Procedural requirements.* An alien desiring to file a petition for naturalization under §§ 326.1, 326.2, 326.3, or 326.4, shall make application on Form N-400. A petition for naturalization filed under any such section shall be filed on Form N-406. No period of residence within the State shall be required, but the petition shall be verified at the time it is filed by at least two credible citizen witnesses, who shall state in their affidavits the period of time they have known the petitioner, and that such petitioner is a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States. Depositions may be used to prove any portion of the required period of residence and the other qualifications required to be proved. In the case of a petition filed under § 326.4, by an alien whose spouse is employed abroad by an American institution of research, the appropriate field officer will, prior to the final hearing of such petition, ascertain from the Attorney General whether the specified institution is recognized as an American institution of research by the Attorney General.* (Nationality Act of 1940, secs. 309 (a) (b), 310, 311, and 312, 54 Stat. 1143, 1144, 1145)

PART 330—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: FORMER UNITED STATES CITIZENS

- Sec.
330.1 Person who prior to September 22, 1922, lost United States citizenship by marriage to an alien or by the spouse's loss of United States citizenship, and any person who lost United States citizenship on or after September 22, 1922, by marriage to an alien ineligible to citizenship.
- 330.2 Woman restored to citizenship by the Act of June 25, 1936, as amended by the Act of July 2, 1940.
- 330.3 A woman, citizen of the United States at birth, who lost or is believed to have lost her United States citizenship solely by marriage prior to September 22, 1922, to an alien, and whose marriage to such alien terminates on or after January 13, 1941.
- 330.4 Former citizen of the United States expatriated through the expatriation of such person's parent or parents.

- Sec.
330.5 Person who, as a minor child, lost citizenship of the United States through cancellation of the parent's naturalization, or a person who shall lose citizenship on or after January 13, 1941, under Section 338 of the Nationality Act of 1940.
- 330.6 Person who lost citizenship of the United States through service in one of the Allied Armies during the first World War in Europe.
- 330.7 Person who shall have lost citizenship of the United States by entering or serving in the armed forces of a foreign state, if he has or acquires the nationality of such foreign state.

§ 330.1 *Person who prior to September 22, 1922, lost United States citizenship by marriage to an alien or by the spouse's loss of United States citizenship, and any person who lost United States citizenship on or after September 22, 1922, by marriage to an alien ineligible to citizenship.* A person described in section 317 (a) of the Nationality Act of 1940, who has not acquired the nationality of another country by an affirmative act other than marriage to an alien, may be naturalized, notwithstanding the race of such person, upon compliance with all the other requirements of the naturalization laws, except that no declaration of intention, no certificate of arrival, and no period of residence within the United States or within the State where the petition is filed shall be required. The petition may be filed in any naturalization court regardless of the residence of the petitioner. The petition need not set forth that it is the intention of the petitioner to reside permanently in the United States. The petition may be heard immediately provided a certificate from a naturalization examiner is attached to the petition as provided in § 373.5 of this title.* (Nationality Act of 1940, secs. 303 and 317 (a), 54 Stat. 1140, 1146)

*Sections 330.1 to 330.7, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 330.2 *Women restored to citizenship by Act of June 25, 1936, as amended by the Act of July 2, 1940.* Any woman who was restored to citizenship by the Act of June 25, 1936, as amended by the Act of July 2, 1940, but who failed to take the oath of allegiance prescribed by the naturalization laws prior to January 13, 1941, may take such oath before any naturalization court on or after January 13, 1941. Preliminary application to take the oath shall be made in the same manner as provided in § 330.3, and the application to the clerk of court shall be in triplicate on Form N-415. The original of Form N-415 shall be retained as a part of the court record, and the duplicate and triplicate copies forwarded to the appropriate district director or divisional director, unless the applicant shall demand a certified copy of the proceedings, in which case the clerk of court shall furnish her the triplicate Form

N-415, properly certified, for which a fee of not to exceed \$1 may be charged. No charge shall be made by the clerk of court for filing Form N-415.* (Act of June 25, 1936, as amended, 49 Stat. 1917, 54 Stat. 715; 8 U.S.C. 9a; Nationality Act of 1940, sec. 347 (a), 54 Stat. 1168)

§ 330.3 *A woman, citizen of the United States at birth, who lost or is believed to have lost her United States citizenship solely by marriage prior to September 22, 1922, to an alien, and whose marriage to such alien terminates on or after January 13, 1941.* A woman described in section 317 (b) of the Nationality Act of 1940, if she has acquired no other nationality by affirmative act, may be naturalized by taking the oath of allegiance prescribed by section 335 of the Nationality Act of 1940. Such oath may be taken before the judge or clerk of any naturalization court, regardless of the applicant's place of residence. Preliminary application to take the oath shall be made, on Form N-401, to the office of the appropriate district director or divisional director. The eligibility of an applicant to take the oath shall be investigated by a member of the Service and appropriate recommendation made to the naturalization court. The application to the court shall be made on Form N-406, in triplicate. The original of Form N-406 shall be retained as a part of the court record and the duplicate forwarded to the appropriate district director or divisional director with duplicates of other naturalization papers filed and issued. The clerk of court shall furnish to the applicant, upon her demand, the triplicate Form N-406, properly certified, for which a fee not to exceed \$1 may be charged. No charge shall be made by the clerk of court for the filing of Form N-406. In case the applicant does not demand the triplicate Form N-406, it shall be transmitted to the appropriate district director or divisional director with the duplicate of said form.* (Nationality Act of 1940, sec. 317 (b), 54 Stat. 1146)

§ 330.4 *Former citizen of the United States expatriated through the expatriation of such person's parent or parents.* A person described in section 318 (a) of the Nationality Act of 1940, who has not acquired the nationality of another country by an affirmative act other than the expatriation of his parent or parents, may be naturalized upon filing a petition for naturalization before reaching the age of 25 years. He must comply with all of the requirements of the naturalization laws except that no declaration of intention, no certificate of arrival, and no period of residence within the United States or in a State shall be required. The petition may be filed in any naturalization court regardless of the residence of the petitioner and may be heard immediately, provided a certificate from a naturalization examiner is attached to the petition as provided in § 373.5. Proof that the petitioner was at the time of filing the petition for naturalization and

at the time of the final hearing thereon a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States, and that he intends to reside permanently in the United States, shall be made by any means satisfactory to the naturalization court.* (Nationality Act of 1940, sec. 318 (a), 54 Stat. 1147)

§ 330.5 *Person who, as a minor child, lost citizenship of the United States through cancelation of the parent's naturalization, or a person who shall lose citizenship on or after January 13, 1941, under section 338 of the Nationality Act of 1940.* In the case of a petitioner for naturalization under section 319 of the Nationality Act of 1940, the cancelation of the parent's naturalization shall be shown by the petitioner to have been upon grounds other than actual fraud or presumptive fraud as specified in the second paragraph of section 15 of the Act of June 29, 1906, as amended (34 Stat. 601; 40 Stat. 544). Such person, if he resided in the United States at the time of such cancelation, may file a petition for naturalization in his own behalf if over the age of 18 years. If such person is under the age of 18 years, a petition for naturalization may be filed in such person's behalf by a parent or guardian as described in Part 324 of this title. The petition for naturalization shall be filed within two years after such cancelation or within two years after January 13, 1941. The petitioner shall comply with all the requirements of the naturalization laws, except that no declaration of intention shall be required and the required five-year period of residence in the United States need not be continuous.* (Nationality Act of 1940, sec. 319, 54 Stat. 1148)

§ 330.6 *Person who lost citizenship of the United States through service in one of the Allied Armies during the first World War in Europe.* A person who, while a citizen of the United States and during the first World War in Europe, entered the military service of any country at war with a country with which the United States was then at war, and who lost citizenship of the United States by reason of any oath or obligation taken for the purpose of entering such service, may be naturalized by taking the oath of allegiance specified in section 335 of the Nationality Act of 1940, before any naturalization court. Application to take such oath shall be made on Form N-409, which shall be executed in triplicate. The original of Form N-409 shall be retained by the clerk of court as the court record, and the duplicate and triplicate shall be forwarded to the appropriate district director or divisional director. The district director or divisional director shall retain the triplicate Form N-409 as his office record and forward the duplicate to the Commissioner. Any person who has been naturalized as a citizen of the United States under this section may

make application for a certificate of naturalization in the manner provided in Part 378.* (Nationality Act of 1940, secs. 323, 335, 341 (a), and 342 (b) (7), 54 Stat. 1149, 1157, 1160, 1161)

§ 330.7 *Person who shall have lost citizenship of the United States by entering or serving in the armed forces of a foreign state, if he has or acquires the nationality of such foreign state.* A person who shall have been a citizen of the United States and also a national of a foreign state, and who shall have lost his citizenship of the United States under the provisions of section 401 (c) of the Nationality Act of 1940, may be naturalized, notwithstanding his race, upon compliance with all of the other requirements of the naturalization laws except that no declaration of intention, no certificate of arrival, and no period of residence in the United States or within the State where the petition is filed shall be required. The petitioner shall set forth in his petition that it is his intention to reside permanently in the United States. The petition may be filed in any naturalization court, regardless of the residence of the petitioner. The petition may be heard immediately provided a certificate from a naturalization examiner is attached to the petition as provided in § 373.5.* (Nationality Act of 1940, secs. 303, 317 (a) (c), and 401 (c), 54 Stat. 1140, 1146, 1147, 1169)

PART 350—RACIAL LIMITATIONS UPON NATURALIZATION

- Sec.
350.1 Racial eligibility; general classes.
350.2 Persons of mixed races.
350.3 Filipinos.
350.4 Race of former citizens of the United States.
350.5 Racial eligibility not required in certain classes of naturalization cases.

§ 350.1 *Racial eligibility; general classes.* Naturalization under the provisions of the Nationality Act of 1940 is limited, with the exceptions described in this Part, to white persons, persons of African nativity or descent, and descendants of races indigenous to the Western Hemisphere.* (Nationality Act of 1940, sec. 303, 54 Stat. 1140)

* §§ 350.1 to 350.5, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 350.2 *Persons of mixed races.* A person of mixed race must be preponderantly of one or more of the eligible races described in § 350.1, to be eligible for naturalization, unless such person comes within one or more of the exceptions described in this Part.* (Nationality Act of 1940, sec. 303, 54 Stat. 1140)

§ 350.3 *Filipinos.* A native-born Filipino, who has served honorably at any time in the United States Army, Navy, Marine Corps, or Coast Guard for a period or periods aggregating three years, and who complies with the requirements of section 324 of the Nationality Act of

1940 may be naturalized notwithstanding his race.* (Nationality Act of 1940, secs. 303 and 324, 54 Stat. 1140, 1149)

§ 350.4 *Race of former citizens of the United States.* A former citizen of the United States, who complies with the requirements of section 317 of the Nationality Act of 1940, may be naturalized notwithstanding his race.* (Nationality Act of 1940, secs. 303 and 317, 54 Stat. 1140, 1146)

§ 350.5 *Racial eligibility not required in certain classes of naturalization cases.* A child may acquire citizenship under section 313 or 314 of the Nationality Act of 1940 notwithstanding his race.* (Nationality Act of 1940, secs. 313 and 314, 54 Stat. 1145)

PART 352—ATTACHMENT TO THE PRINCIPLES OF THE CONSTITUTION AND FAVORABLE DISPOSITION TOWARD THE GOOD ORDER AND HAPPINESS OF THE UNITED STATES

Sec.

- 352.1 Attachment to Constitution and disposition toward United States.
- 352.2 Investigation as to attachment and attitude.
- 352.3 Favorable attitude toward government of petitioner for naturalization for ten years.
- 352.4 Deserters from the military or naval service of the United States or avoiders of the draft into such military or naval service; ineligible to become citizens of the United States.

§ 352.1 *Attachment to Constitution and disposition toward United States.* No person shall acquire United States citizenship under the provisions of Chapter III of the Nationality Act of 1940 (except a person subject to the provisions of sections 313, 314, 317 (b), 322, or 323 thereof) unless such person shall have proved his attachment to the principles of the Constitution of the United States and his favorable disposition toward the good order and happiness of the United States for such period or periods as may be required in his particular case, and in the manner provided by Part 373.* (Nationality Act of 1940, secs. 307 (a), 309 (a) (b) (c), and 327 (b), 54 Stat. 1142, 1143, 1144, 1151)

* §§ 352.1 to 352.4, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 352.2 *Investigation as to attachment and attitude.* The appropriate naturalization officer of the Service, before recommending any petitioner favorably to the court, shall satisfy himself that the petitioner has a fair knowledge of the fundamental principles of the Constitution of the United States, that he is, and has been during the required period or periods, attached thereto, and that it is his intention to assume the duties and responsibilities of citizenship of the United States. The action of such officer at any hearing upon the petition shall be based upon the testimony of the petitioner and his witnesses;

the attitude, behavior, and conduct of the petitioner over the required period or periods; the naturalization officer's examination as prescribed by § 356.3, and his independent investigation, and such other evidence as may be available.* Nationality Act of 1940, secs. 307 (a), 309 (a) (b) (c), and 327 (b), 54 Stat. 1142, 1143, 1144, 1151)

§ 352.3 *Favorable attitude toward government of petitioner for naturalization for ten years.* No person (except a person subject to the provisions of section 313, 314, 317 (b), 322, or 323 of the Nationality Act of 1940) may be naturalized who is found to be, or, at any time within the period of ten years immediately preceding the filing of his petition for naturalization, to have been, within any of the classes of persons described in section 305 of said Act. The appropriate naturalization officer of the Service, before recommending any petitioner favorably to the court, shall make a general inquiry to determine whether there is any evidence that the petitioner belongs to any of the classes described in section 305 of the said Act. If there is such evidence, the burden shall be upon the petitioner to refute it and to show that he is qualified for naturalization under the Nationality Act of 1940.* (Nationality Act of 1940, secs. 301 (d) and 305, 54 Stat. 1140, 1141).

§ 352.4 *Deserters from the military or naval service of the United States or avoiders of the draft into such military or naval service; ineligible to become citizens of the United States.* If there is reason to believe that a petitioner for naturalization, at any time during which the United States has been or may be at war, deserted the military or naval forces of the United States, or, being duly enrolled, departed from the jurisdiction of the district in which enrolled or went beyond the limits of the United States with intent to avoid any lawfully ordered draft into the military or naval service of the United States, inquiry shall be made by the field office of the appropriate authorities to determine the facts, and action upon the petition shall be based thereon. If it appears that the petitioner has been convicted of any such offense by court martial, a motion for the denial with prejudice of the petition for naturalization shall be made.* (Nationality Act of 1940, sec. 306, 54 Stat. 1141)

PART 353—GOOD MORAL CHARACTER

Sec.

- 353.1 Good moral character.
- 353.2 Basis for determination of good moral character.
- 353.3 Period during which good moral character must be established.

§ 353.1 *Good moral character.* No person shall acquire United States citizenship under the provisions of Chapter III of the Nationality Act of 1940 (except a person subject to the provisions of section 313, 314, 317 (b), 322, or 323 thereof) unless such person shall have proved his good moral character for such period or periods as may be required in

his particular case, and in the manner provided by part 373.* (Nationality Act of 1940, secs. 307 (a), 309 (a) (b) (c), and 327 (b), 54 Stat. 1142, 1143, 1144, 1151)

* §§ 353.1 to 353.3, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 353.2 *Basis for determination of good moral character.* The appropriate naturalization officer of the Service, before recommending any petitioner for naturalization favorably to the court, shall satisfy himself that the petitioner is, and has been during the required period or periods, a person of good moral character. The action of such officer at any hearing upon the petition shall be based upon the testimony of the petitioner and his witnesses; the attitude, behavior, and conduct of the petitioner over the required period or periods; the naturalization officer's independent investigation, and such other evidence as may be available.* (Nationality Act of 1940, secs. 307 (a), 309 (a) (b) (c), and 327 (b), 54 Stat. 1142, 1143, 1144, 1151)

§ 353.3 *Period during which good moral character must be established.* The investigation of the petitioner's attitude, behavior, and conduct shall be extended beyond the period or periods prescribed by the Nationality Act of 1940 if there is reason to believe that such investigation is necessary to a proper determination of the case. The results of the investigation shall be reported by the naturalization officer to the appropriate naturalization court.* (Nationality Act of 1940, secs. 307 (a), 309 (a) (b) (c), and 327 (b), 54 Stat. 1142, 1143, 1144, 1151)

PART 354—RESIDENCE AND ABSENCE

Sec.

- 354.1 Residence; minimum periods required.
- 354.2 Residence; break of continuity, procedure where an objection is filed.
 - (a) Effect of absence of not more than six months.
 - (b) Effect of absence of more than six months but less than one year.
 - (c) Effect of absence of one year or more.
 - (d) When objection overruled; procedure.
- 354.3 Residence; when not affected by absence on or after January 13, 1941.
- 354.4 Residence; when not affected by absence on or after June 29, 1938, and prior to January 13, 1941.
- 354.5 Residence; when not affected by absence after June 25, 1936, and prior to June 29, 1938.
- 354.6 Residence; when not affected by absence prior to June 25, 1936.
- 354.7 Absence of clergyman or nun; no effect upon residence if absence temporary in nature.
- 354.8 Absence; application for approval if for one year or more.

§ 354.1 *Residence; minimum periods required.* The general provisions of the Nationality Act of 1940 require that a petitioner for naturalization must have resided continuously in the United States for at least five years, and in the State where then residing for at least six

months, immediately preceding the filing of the petition, and that he must also reside continuously within the United States from the date of filing the petition until the date of his admission to citizenship. For exceptions to the general rule, see Parts 324, 326, 330, 332, 334, 337, 345, 347, and 348.* (Nationality Act of 1940, secs. 307 and 309, 54 Stat. 1142, 1143)

*§§ 354.1 to 354.8, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 354.2 Residence; break of continuity, procedure where an objection is filed.

(a) *Effect of absence of not more than six months.* Where a petitioner for naturalization has been absent from the United States not more than six months during the period for which continuous residence is required, no objection shall be made to the granting of the petition upon that ground unless the facts and circumstances indicate a break in the continuity of such residence.

(b) *Effect of absence of more than six months but less than one year.* Where the absence during the period for which continuous residence is required has been for more than six months but less than one year, an objection shall be made unless the evidence satisfactorily overcomes the presumption raised by the statute that the required continuity of residence has been broken.

(c) *Effect of absence of one year or more.* Where there has been an absence from the United States for a continuous period of one year or more, during the periods for which continuous residence is required, an objection shall be made to the granting of the petition, unless the applicable requirements of §§ 354.3, 354.5, or § 354.6 have been fully met.

(d) *When objection overruled; procedure.* If an objection made under this section is overruled, the necessary action shall be taken to preserve the Government's right of review, and the facts reported immediately to the Central Office.* (Nationality Act of 1940, sec. 307 (b) (c), 54 Stat. 1142)

§ 354.3 Residence; when not affected by absence on or after January 13, 1941. No period of absence from the United States on or after January 13, 1941, and during the period for which continuous residence in the United States is required by the naturalization laws, shall break the continuity of such residence if prior to the beginning of such absence from the United States, the alien—

(a) had resided in the United States for a period of at least one year and had filed a declaration of intention during such period, or was entitled to file a petition for naturalization without a declaration of intention;

(b) was thereafter employed by, or had entered into a contract with, the Government of the United States, or an American institution of research recog-

nized as such by the Attorney General, or was employed by an American firm or corporation engaged in whole or in part in the development of the foreign trade and commerce of the United States, or a subsidiary thereof, or whose residence abroad was necessary for the protection of the property rights in such countries of such firm or corporation or subsidiary;

(c) had established to the satisfaction of the Attorney General, in the manner prescribed by § 354.8 of this Part, prior to the beginning of such absence, or the procurement of such employment or contract if then temporarily absent from the United States, that such employment or contract or representation was of the nature described in subsection (b) of this section, and that his absence from the United States was in connection with one or more of the activities described therein; and

(d) shall prove, at the final hearing upon his petition for naturalization, to the satisfaction of the court, that his absence from the United States during such period was solely for such purpose or purposes.

For the purposes of subsection (a) of this section, the period of the alien's residence must have followed a lawful entry to the United States for permanent residence and the place of his general abode shall be deemed his place of residence. Physical absence from the United States of a purely temporary nature during such period of time on the part of the alien shall not be deemed to break the continuity of residence.* (Nationality Act of 1940, secs. 104 and 307 (a) (b), 54 Stat. 1138, 1142)

§ 354.4 Residence; when not affected by absence on or after June 29, 1938, and prior to January 13, 1941. No absence from the United States on or after June 29, 1938, and prior to January 13, 1941, shall be held to have broken the continuity of residence in the United States of an alien who has been lawfully admitted to the United States for permanent residence, has thereafter resided in the United States for at least one year, and who has during such period made a declaration of intention, or was entitled to file a petition for naturalization without a declaration of intention, and who has met all of the other requirements set forth in § 354.3, except that any application for the benefits of previous laws relating to exemptions from the usual effect of an absence for more than one year, which may have been made and acted upon by the Secretary of Labor prior to June 14, 1940, shall be considered valid under the Nationality Act of 1940.* (Joint Resolution of June 29, 1938, 52 Stat. 1247; 8 U.S.C. 382; Nationality Act of 1940, sec. 347, 54 Stat. 1168)

§ 354.5 Residence; when not affected by absence after June 25, 1936, and prior to June 29, 1938. No period of absence outside the United States after June 25, 1936, and prior to June 29, 1938, shall be

held to have broken the continuity of residence in the United States required by the naturalization laws, if the alien—

(a) had previously made a declaration of intention (if such declaration was necessary for the filing of a valid petition for naturalization); and

(b) prior to the beginning of such absence, or before the procurement of the employment or contract which made the absence necessary, had established to the satisfaction of the Secretary of Labor that such absence was to be for one or more of the purposes described in § 354.3; and

(c) establishes to the satisfaction of the court at the final hearing upon his petition for naturalization that his absence from the United States was for the purpose which was established to the satisfaction of the Secretary of Labor.

No objection shall be made to naturalization in the case of any person who was absent from the United States on June 25, 1936, and who may at any time thereafter have submitted a complete and proper application to the Secretary of Labor for the benefits of section 1 of the Act of June 25, 1936, which may have been subsequently acted upon favorably by the Secretary of Labor.* (Act of June 25, 1936, sec. 1, 49 Stat. 1925; 8 U.S.C. 382; Nationality Act of 1940, sec. 347, 54 Stat. 1168)

§ 354.6 Residence; when not affected by absence prior to June 25, 1936. No period of absence from the United States during the five years immediately preceding June 25, 1936, shall be held to have broken the continuity of residence required for naturalization purposes if the alien had proved to the satisfaction of the Secretary of Labor prior to June 14, 1940, or, subsequently thereto and prior to the final hearing upon his petition for naturalization, may have proved or may prove to the satisfaction of the Attorney General in the manner prescribed by § 354.8, and also at the final hearing upon his petition proves to the court, that during such period of absence he was under employment by, or contract with, either the United States Government, or such American institution of research as was recognized by the Secretary of Labor or may have been so recognized since by the Attorney General, or an American firm or corporation as described in §§ 354.3 and 354.5, and that his absence was necessary in connection with any of the activities described therein.* (Act of June 25, 1936, 49 Stat. 1925; 8 U.S.C. 382 (a); Nationality Act of 1940, sec. 307 (c), 54 Stat. 1142)

§ 354.7 Absence of clergyman or nun; no effect upon residence if absence temporary in nature. No absence at any time by a clergyman or nun, theretofore lawfully admitted into the United States for permanent residence, shall be regarded as interrupting the residence in the United States required by the naturalization laws, provided such absence

was for a temporary period and solely in his or her capacity as a regularly ordained clergyman or nun of an established church or religious faith, if such person establishes to the satisfaction of the Attorney General, in the manner prescribed by § 354.8, either before or after such absence, and to the satisfaction of the court at the final hearing upon the petition for naturalization, that the requirements of this section have been fully met and that he or she has in all other respects fully complied with all applicable provisions of the naturalization laws.* (Nationality Act of 1940, sec. 308, 54 Stat. 1143)

§ 354.8 *Absence; application for approval if for one year or more.* Applications for the benefits of §§ 354.3, 354.6, and 354.7, shall be submitted to the Immigration and Naturalization Service, Washington, D. C., in duplicate, on Form N-470. A copy of the decision upon the application shall be filed in the naturalization court with the alien's petition for naturalization as a part of the record in the naturalization proceedings.* (Nationality Act of 1940, sec. 307 (b) (c), 54 Stat. 1142)

PART 356—EDUCATIONAL REQUIREMENTS AND EDUCATION FOR CITIZENSHIP

- Sec.
356.1 Signing of petition for naturalization by petitioner.
356.2 Petitioner's ability to speak English.
356.3 Educational examination of petitioners for naturalization.
356.4 Public-school instruction and training in citizenship responsibilities of applicants for naturalization.
356.5 Sending names of candidates for naturalization to the public schools.
356.6 Federal citizenship textbooks.
356.7 Public-school certificate as evidence of petitioner's educational progress.
356.8 Cooperation with official National and State organizations.

§ 356.1 *Signing of petition for naturalization by petitioner.* Every petition for naturalization shall be signed by the petitioner in his own handwriting, if he is physically able to write.* (Nationality Act of 1940, sec. 332 (a), 54 Stat. 1154)

* §§ 356.1 to 356.8, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675, 8 U. S. C. 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 356.2 *Petitioner's ability to speak English.* Every petitioner applying for naturalization in his own behalf (except a petitioner who is physically unable to speak or a petitioner under section 317 (b) or 323 of the Nationality Act of 1940) shall, before being naturalized, demonstrate his ability to speak the English language by carrying on understandingly an ordinary conversation in English.* (Nationality Act of 1940, sec. 304, 54 Stat. 1140)

§ 356.3 *Educational examination of petitioners for naturalization.* The examination of each petitioner for naturalization shall include an educational ex-

amination. The purpose of the educational examination shall be to determine whether the petitioner has a fair knowledge of the fundamental principles of the Constitution and is qualified to assume the duties and responsibilities of a citizen of the United States. To this end the petitioner may be questioned as to (1) the principal historical facts concerning the development of the United States as a republic, (2) the organization and principal functions of the Government of the United States, and of the States and local units of government, and (3) the relation of the individual in the United States to government—National, State, and local, the rights and privileges growing from that relationship, and the duties and responsibilities which result from it. Every care shall be exercised to avoid abstruse, technical, irrelevant, and extreme questions. The language level of the questions shall be suited to the particular petitioner, having regard to his educational background and the extent of his knowledge of the English language.* (Nationality Act of 1940, secs. 327 (b) (c), and 335, 54 Stat. 1151, 1157)

§ 356.4 *Public-school instruction and training in citizenship responsibilities of applicants for naturalization.* The Central Office and the field shall cooperate in the establishment and maintenance of classes within or under the supervision of the public schools for the preparation of naturalization applicants for their citizenship duties and responsibilities. Field officers, including naturalization examiners, shall visit such classes when practicable. Should applicants for naturalization who desire such preparation live in remote localities where the establishment of a class is impracticable, field officers shall communicate with the appropriate representative of the public schools in the applicants' vicinity for the purpose of making other suitable arrangements, if possible, for their instruction.* (Nationality Act of 1940, secs. 327 (b) (c) and 344, 54 Stat. 1151, 1163)

§ 356.5 *Sending names of candidates for naturalization to the public schools.* Arrangements shall be made with the public schools by which the names and addresses of applicants for naturalization will be made available to such schools for the purpose of interesting applicants in attending public-school classes in preparation for citizenship duties and responsibilities. It shall be made clear to applicants for naturalization and to the public schools that such attendance is voluntary. At the same time applicants shall be informed that if they are in need of instruction for their educational examination in preparation for citizenship, the public schools offer an excellent opportunity to obtain it.* (Nationality Act of 1940, Sec. 327 (b), 54 Stat. 1151)

§ 356.6 *Federal citizenship textbooks.* Citizenship textbooks, for the free use of applicants for naturalization receiving instruction in or under the super-

vision of the public schools in preparation for citizenship, shall be prepared and distributed by the Service to the appropriate representatives of the public schools upon their signed requisitions therefor.* (Nationality Act of 1940, secs. 327 (c) and 344, 54 Stat. 1151, 1163)

§ 356.7 *Public-school certificate as evidence of petitioner's educational progress.* Public-school certificates, attesting the attendance and progress records of petitioners for naturalization in citizenship classes, shall be given weight by naturalization officers in determining the educational standing of such petitioners, dependent upon satisfaction of the district director and the naturalization courts with the courses of instruction, teaching, and examinations of the public schools issuing such certificates. In no instance, however, shall such certificates be accepted as a total waiver of the educational examination.* (Nationality Act of 1940, sec. 327 (b) (c), 54 Stat. 1151)

§ 356.8 *Cooperation with official National and State organizations.* The Central Office and the Field Service shall take steps to obtain the aid of and to cooperate with official National and State organizations in the Service's program of education of applicants for naturalization for their citizenship duties and responsibilities. Similar action shall be taken in relation to duly accredited unofficial educational, social service, welfare, and other organizations having as one of their objects the adequate preparation of applicants for naturalization for their citizenship duties and responsibilities.* (Nationality Act of 1940, sec. 327 (c), 54 Stat. 1151)

PART 360—CLERKS OF NATURALIZATION COURTS AND THEIR DUTIES

- Sec.
360.1 Receiving and filing declarations of intention and petitions for naturalization.
360.2 Issuance of subpoenas.
360.3 Monthly reports; copies of records; when and to whom sent.
360.4 Disposition to be made of clerk's report, and accounting.
360.5 Division of the year for accounting for naturalization fees.
360.6 Fees in United States courts; remittance.
360.7 Fees in other than United States courts; remittance.
360.8 Time for report of and accounting for fees collected.
360.9 Report of and accounting for void papers.

§ 360.1 *Receiving and filing declarations of intention and petitions for naturalization.* It shall be the duty of every clerk of a naturalization court to administer the required oath to each applicant for a declaration of intention, and such oath shall be administered only in the office of the clerk of court. The clerk of court shall receive and file petitions for naturalization and administer, in his own office only, the required oaths to each petitioner and the witnesses to each petition, unless such petitioner and witnesses have sworn to the petition before a desig-

nated examiner.* (Nationality Act of 1940, secs. 331, 332 (a), and 337 (a), 54 Stat. 1153, 1154, 1158)

§§ 360.1 to 360.9, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 C.F.R. 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 360.2 *Issuance of subpoenas.* Clerks of courts shall issue subpoenas for attendance of witnesses at final naturalization hearings, if demand is made by the petitioner at the time the petition is filed, provided the petitioner deposits with the clerk of court a sum of money sufficient to cover the cost of the subpoenas and the legal fees of such witnesses.* (Nationality Act of 1940, secs. 309 (d) and 342 (j), 54 Stat. 1144, 1162)

§ 360.3 *Monthly reports; copies of records; when and to whom sent.* Unless otherwise directed by proper authority, clerks of courts shall, except as hereinafter stated in this section, on the first day of each month, forward to the appropriate district director or divisional director, all duplicates of declarations of intention and all duplicates and triplicates of petitions for naturalization filed during the preceding month, together with a report on Form N-4, in duplicate, showing the serial numbers of such declarations and petitions so filed, the names and sex of the petitioners, and the approximate dates for final hearing. When at any time during the month the number of declarations and petitions filed reaches 100 in the aggregate, the clerk shall, on request of the district director or divisional director, forthwith forward such duplicates and report as herein provided. Clerks of courts shall also include on Form N-4 a list of the inclusive numbers of all certificates of naturalization issued during the preceding month, and the duplicates of such certificates, with their stubs intact and with the Alien Registration Receipt Cards to which reference is made in § 377.4, shall be forwarded to the appropriate district director or divisional director.* (Nationality Act of 1940, sec. 337 (a) (b) (c), 54 Stat. 1158)

§ 360.4 *Disposition to be made of clerk's report and accounting.* Upon receipt, by the field officer concerned, of the monthly reports upon Form N-4 and accompanying papers, said forms shall be stamped so as to show the date of receipt. Such papers shall be examined in all cases at the local field office of the Service and appropriate action taken and record made therefrom. Thereafter they shall be transmitted to the Central Office accompanied by the original report on Form N-4. The duplicate report on Form N-4 and the triplicate copy of the petition shall be retained by the field office. If it be necessary for the field officer to return a duplicate naturalization paper to the clerk of court for correction, a carbon of the letter to the clerk returning such paper shall be sent with

the other papers, if there be any, to the Central Office for its information. The other duplicate papers shall not be held awaiting the return of the corrected papers from the clerk of court, but shall be forwarded to the Central Office immediately after all records have been made. The corrected paper bearing the "received" stamp of the field office, as of the subsequent date of receipt, shall be forwarded to the Central Office when received from the clerk of court. The duplicates and report herein referred to shall be sent by registered mail and plainly marked "Official Business."* (Nationality Act of 1940, secs. 337 and 343, 54 Stat. 1158, 1163)

§ 360.5 *Division of the year for accounting for naturalization fees.* For the purpose of accounting for and reporting naturalization fees quarterly by clerks of courts, the fiscal year shall end on June 30 of any given calendar year and shall be divided as follows: First quarter ends September 30; second quarter ends December 31; third quarter ends March 31; and fourth quarter ends June 30.* (Nationality Act of 1940, sec. 342, 54 Stat. 1161)

§ 360.6 *Fees in United States courts; remittance.* All naturalization fees collected by clerks of United States district courts (except in Alaska and the District Court of the Virgin Islands of the United States) and the clerk of the District Court of the United States for the District of Columbia, shall be forwarded quarterly by a remittance payable to the order of the "Commissioner of Immigration and Naturalization, Washington, D. C."* (Sec. 25, 49 Stat. 1813, 48 U.S.C. 1405x; Nationality Act of 1940, sec. 342 (c) (d) (e), 54 Stat. 1162)

§ 360.7 *Fees in other than United States courts; remittance.* One-half of all naturalization fees collected by clerks of courts other than those described in § 360.6 (including United States district courts in Alaska but excluding the District Court of the Virgin Islands of the United States), up to \$6,000 in any one fiscal year, shall be similarly remitted to the Commissioner of Immigration and Naturalization, Washington, D. C. Where the collections during the first quarter of any fiscal year equal or exceed \$1,500, the clerk shall remit all in excess of \$750; and where such collections for the first and second quarters equal or exceed \$3,000, the clerk shall remit all in excess of \$1,500; and where the collections for the first three quarters of the fiscal year equal or exceed \$4,500, the clerk shall remit all in excess of \$2,250; and in any case where the total collections for any fiscal year equal or exceed \$6,000, the clerk shall remit all fees or moneys so collected in excess of \$3,000. All naturalization fees collected by the clerks of the District Court of the Virgin Islands of the United States shall be paid into the Treasury of the Virgin Islands in accordance with the provisions of the Organic Act of the Virgin Islands.* (Sec. 35, 49 Stat. 1816; 48 U.S.C. 1406h;

Nationality Act of 1940, sec. 342 (c) (d) (e), 54 Stat. 1162)

§ 360.8 *Time for report of and accounting for fees collected.* The accounting for naturalization fees collected and the payment of fees over to the Commissioner of Immigration and Naturalization as provided in §§ 360.6 and 360.7, shall be made within thirty days from the close of each quarter of each and every fiscal year.* (Nationality Act of 1940, secs. 327 (b) and 342 (e), 54 Stat. 1151, 1162)

§ 360.9 *Report of and accounting for void papers.* Clerks of courts in their "Monthly Report" on Form N-4 and "Abstract of Collections" on Form N-7, shall separately list void declarations, petitions, or certificates, according to the number assigned to them, and indicate by appropriate notation that same are "void."* (Nationality Act of 1940, secs. 337 and 342, 54 Stat. 1158, 1161)

PART 361—OFFICIAL FORMS

- Sec.
361.1 Official forms essential to exercise of jurisdiction.
361.2 Official forms; by whom supplied; to be used exclusively.
361.3 Official forms prescribed for use of clerks of naturalization courts.
361.4 Initial application for official forms.
361.5 Subsequent application for official forms.
361.6 Amendment of form for declaration of intention.
361.7 Amendment of form for petition for naturalization.
(a) Exemption from declaration of intention.
(b) Exemption from declaration of intention and certificate of arrival.
(c) Exemption from residence in the United States and State.

§ 361.1 *Official forms essential to exercise of jurisdiction.* Before exercising jurisdiction in naturalization proceedings, a competent court may cause the clerk of such court to obtain from the Immigration and Naturalization Service, in accordance with section 301 (c) of the Nationality Act of 1940, the proper blanks, records, order books, and supplies necessary in naturalization proceedings. Such jurisdiction may not be exercised until such official forms, records, and order books have been supplied to such court. Where sessions of the court are held at different places, the judge of such court may require the clerk to obtain a separate supply of official forms, records, and order books for each such place.* (Nationality Act of 1940, sec. 301 (c), 54 Stat. 1140)

§§ 361.1 to 361.7, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 C.F.R. 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 361.2 *Official forms; by whom supplied; to be used exclusively.* Official forms, records, and order books shall be supplied by the Immigration and Naturalization Service exclusively, and only such forms, records, and order books shall be used in naturalization and citizenship proceedings.* (Nationality Act of 1940, sec. 327 (b), 54 Stat. 1151)

§ 361.3 *Official forms prescribed for use of clerks of naturalization courts.* The following forms only shall be used by clerks of courts having naturalization jurisdiction, in the exercise of such jurisdiction, to wit:

Form No.	Title and description
N-3	Requisition for Naturalization Forms.
N-4	Monthly Report of Forms Forwarded.
N-5	Monthly Report of Forms Forwarded, Continuation Sheet.
N-7	Abstract of Collections of Naturalization Fees.
N-300	Application for Certificate of Arrival and Preliminary Form for Declaration of Intention.
N-315	Declaration of Intention (loose-leaf, original, duplicate, and triplicate).
N-400	Application for Certificate of Arrival and Preliminary Form for Petition for Naturalization.
N-405	Petition for Naturalization (loose-leaf, original, duplicate, and triplicate). (For use under general provisions of law.)
N-406	Petition for Naturalization (loose-leaf, original, duplicate, and triplicate). (For spouses of citizens.)
N-407	Petition for Naturalization (loose-leaf, original, duplicate, and triplicate). (For children.)
N-430	Notice of Intention to Substitute Witnesses.
N-451	Affidavit of Witnesses (detached).
N-460	Notice to Take Depositions.
N-470	Application for the Benefits of Section 307 (b) of the Nationality Act of 1940.
N-490	Order of Court Granting Petitions (loose-leaf).
N-491	Order of Court Denying Petitions (loose-leaf).
N-550	Certificate of Naturalization.
N-565	Application for New Naturalization Paper in lieu of Lost, Mutilated, or Destroyed Original.
N-575	Application for a New Certificate of Naturalization Where Name Has Been Changed.
N-577	Application for Special Certificate of Citizenship.
N-585	Application for Certification of (1) a Certificate of Naturalization or Citizenship, or of (2) a Naturalization Record.
N-600	Application for Certificate of Derivative Citizenship.*

(Nationality Act of 1940, secs. 327 (b) (d), 331, 332, and 336, 54 Stat. 1151, 1153, 1154, 1157)

§ 361.4 *Initial application for official forms.* The necessary official blanks, records, and order books will be furnished by the Immigration and Naturalization Service to any court having jurisdiction in naturalization proceedings upon the written application of the clerk of such court. Where the initial application for such supplies is made by a State court of record, it shall be accompanied by a certificate of the Attorney General of the State, certifying that said court is a court of record, having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited.* (Nationality Act of 1940, secs. 301 (a) (c) and 327 (d), 54 Stat. 1140, 1151)

§ 361.5 *Subsequent application for official forms.* Included with the initial supply of official forms, records, and order books furnished to the various courts by the Immigration and Naturalization Service shall be Form N-3, entitled "Requisition for Naturalization Forms," and thereafter said form shall be used by clerks of courts in making requisition for blanks, records, and order books for use in naturalization proceedings in their respective courts.* (Nationality Act of 1940, secs. 301 (c) and 327 (d), 54 Stat. 1140, 1151)

§ 361.6 *Amendment of form for declaration of intention.* The official form

for declaration of intention shall be altered by the clerk of court, where the declaration of intention is executed by an applicant who is not required by law to obtain a certificate of arrival, by striking out the following language immediately after the jurat: "that Certification No. — from the Commissioner of Immigration and Naturalization, showing the lawful entry for permanent residence of the declarant above named on the date stated in this declaration of intention, has been received by me, and".* (Nationality Act of 1940, sec. 331, 54 Stat. 1153.)

§ 361.7 *Amendment of form for petition for naturalization.* The official form for petition for naturalization shall be altered by the clerk of court as follows:

(a) *Exemption from declaration of intention.* Where a declaration of intention is not required to be filed with the clerk of court at the filing of the petition for naturalization and the petition form contains blank spaces for data relative to a declaration of intention, by striking out all of allegation 13, and in the certification following the jurat, by striking out "together with Declaration of Intention No. — of such petitioner". (Nationality Act of 1940, secs. 310, 311, 312, 315, 316, 319, and 320, 54 Stat. 1144, 1145, 1146, 1148.)

(b) *Exemption from declaration of intention and certificate of arrival.* Where neither a declaration of intention nor a certificate of arrival is required to be filed with the clerk of court at the time of filing of the petition, by striking out the following: All of allegation 11, all of allegation 13 if the petition for naturalization contains blank spaces for data relative to a declaration of intention, and in allegation 20 the words "my declaration of intention to become a citizen of the United States (if such declaration of intention be required by the naturalization law), a certificate of arrival from the Immigration and Naturalization Service of my said lawful entry into the United States for permanent residence (if such certificate of arrival be required by the naturalization law), and"; and the entire certification following the jurat. (Nationality Act of 1940, secs. 317, 318, 323, 324, and 325, 54 Stat. 1146, 1147, 1149, 1150)

(c) *Exemption from residence in the United States and State.* Where residence in the United States and State for any specified period or proof thereof is not required, in allegation 18 by striking out the words "for the term of five years at least immediately preceding the date of this petition, to wit," and the words "and continuously in the State in which this petition is made for the term of six months at least immediately preceding the date of this petition, to wit, since".* (Nationality Act of 1940, secs. 317, 318, 324, and 325, 54 Stat. 1146, 1147, 1149, 1150)

PART 362—REGISTRY OF ALIENS UNDER NATIONALITY ACT OF 1940

Sec.	Who may be registered.
362.1	Who may be registered.
362.2	How application for registry shall be made.
362.3	Attorneys.
362.4	Procedure upon receipt of application for registry.
362.5	Entry upon which application for registry must be based; continuity of residence.
362.6	Verification of entry; procedure.
362.7	Facts essential to be established.
362.8	Evidence; burden of proof.
362.9	Examination and investigation.
(a)	Examination of applicant.
(b)	Examination of witnesses.
(c)	Investigations in other districts.
(d)	Purpose of examinations.
362.10	Record; recommendation, review, and disposition.
362.11	Authorization or denial; procedure thereafter.
362.12	Certificate of Lawful Entry; delivery.
362.13	Replacement of certificate lost, mutilated, or destroyed.
362.14	Virgin Islands; fees; manner of report; deposit.

§ 362.1 *Who may be registered.* Any alien not ineligible to citizenship in whose case there is no record showing lawful admission to the United States for permanent residence, who makes a satisfactory showing to the Commissioner of Immigration and Naturalization in accordance with this part that he (a) entered the United States prior to July 1, 1924; (b) has resided in the United States continuously since such entry; (c) is a person of good moral character, and (d) is not subject to deportation, may have a record of his entry made upon payment of the statutory fee of \$18.* (Nationality Act of 1940, secs. 328 (b) and 342 (b) (1), 54 Stat. 1152, 1161)

*Sections 362.1 to 362.14, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 362.2 *How application for registry shall be made.* Application for registry shall be made in duplicate on Form N-105 (Application for Registry of an Alien), and shall be submitted either in person or by mail to the immigration and naturalization office located nearest to the applicant's place of residence. The application shall be signed by the applicant on page 3 of the form when submitted, but shall not be subscribed and sworn to or affirmed on page 4 until the applicant appears before an officer of the Immigration and Naturalization Service for examination upon the merits of his application. The application shall be accompanied by a money order in the sum of \$18, payable to the "Commissioner of Immigration and Naturalization, Washington, D. C." Cash shall not be accepted. The application shall also be accompanied by photostatic or typewritten copies of such documentary evidence, or pertinent excerpts therefrom if the documents are lengthy or bulky, as the applicant may have or be able to obtain showing his continuous residence in the

United States since the date specified in § 362.1, and his good moral character. The applicant shall also submit three photographs of himself as prescribed in part 364.*

§ 362.3 *Attorneys.* Attorneys and other persons qualified to practice before the Immigration and Naturalization Service, who represent applicants for registry, shall be permitted upon completion of the application and examination of the applicant and his witnesses to review the record, either before it is forwarded to the Central Office or thereafter and prior to final decision. They may submit briefs and, upon sufficient notice, shall be given opportunity to present oral argument before the Central Office. When final decision is made in a case, the attorney representing the applicant shall be entitled to notification.*

§ 362.4 *Procedure upon receipt of application for registry.* When an application for registry is received, accompanied by the money order, photographs, and copies of the documentary evidence or excerpts therefrom relied upon by the applicant to establish his case, the immigration and naturalization office shall proceed with its consideration. If it is not properly prepared, it shall be returned to the applicant for correction, and shall not be accepted until properly prepared. When an application is submitted, but the nature of the documentary evidence, as appears from the copies submitted, is such that it is not deemed to be reasonably adequate to support the application, the field office may defer acceptance thereof. In the latter event the application, money order, photographs, and copies of documentary evidence shall be returned to the applicant with a request for submission of more substantial evidence. If the application is thereafter submitted in the manner prescribed by section 362.2 of this Part, accompanied by satisfactory evidence, or is so submitted with a statement that such evidence cannot be obtained, the field office of the Service shall accept it for further consideration. When the application has been so received, the field office shall acknowledge receipt of the money order. At that time, or later if necessary, the applicant shall be informed when and where he will be examined upon the merits of his application. The money order submitted shall be transmitted to the officer in charge of the district, who shall forward it to the Central Office, together with Form N-115 (Record of Receipt of Form N-105, Application for Registry).*

§ 362.5 *Entry upon which application for registry must be based; continuity of residence.* The entry upon which an application for registry must be based shall be the entry by which the applicant first entered the United States, provided he has since maintained a continuous residence therein. If an absence has occurred since such entry the applicant must show that it did not break the continuity of his residence in the United

States. In determining whether continuous residence in the United States has been broken, consideration shall be given to the applicant's intention and purpose in absenting himself, and to his activities while absent. In case continuity of residence has been broken by any absence, the application must be considered as based upon the applicant's last entry since which he has maintained a continuous residence in the United States.*

§ 362.6 *Verification of entry; procedure.* When an application has been received in acceptable form and the applicant claims to have been inspected at a port of entry, the result of any previous definite effort to verify the same claim, whether reported on Form N-200 (Final Search for Record of Arrival) or made in any known immigration proceeding, or in connection with any application for naturalization, may be accepted as final. When no record of a previous effort to verify the claimed entry exists, a definite effort to make such verification shall be made and the result may be accepted as final. Where the applicant's lawful admission for permanent residence is verified, the case shall be developed only so far as is necessary to identify him as the person to whom such record pertains, and to ascertain whether continuity of residence has been maintained since such entry. These requirements being satisfied, the record shall be forwarded to the Central Office without further proceedings, accompanied by appropriate findings and recommendation.*

§ 362.7 *Facts essential to be established.* It must be established to the satisfaction of the Commissioner of Immigration and Naturalization (a) that the applicant is an alien not ineligible to citizenship; (b) that there is no record of the entry upon which his application must be based, as determined by § 362.5 of this Part; (c) that such entry occurred prior to July 1, 1924; (d) that he has resided continuously in the United States since such entry or at least since a date prior to July 1, 1924; (e) that he is a person of good moral character, as determined from evidence of his conduct for a reasonable period next preceding the date of his examination, which ordinarily should not be more than five years, and (f) that he is not subject to deportation.*

§ 362.8 *Evidence; burden of proof.* The record shall include the affidavits of such number of credible witnesses, preferably citizens of the United States, concerning the moral character and continuity of residence of the applicant as may be deemed necessary. Where practicable such affidavits shall be made on Form N-120 (Affidavit of Witness in Registry proceedings.) Documentary evidence such as bank books, leases, deeds, licenses, receipts, letters, and birth, marriage, church, school, employment and police records, or similar evidence shall, so far as possible, be used in establishing the essential facts to which such documentary evidence is relevant. Where by reason of conditions known or shown to

exist it is reasonable to believe that such evidence is not obtainable, other relevant evidence shall be considered. The burden of proof shall be upon the applicant. In presenting such proof he shall be entitled to the benefit of any records concerning his entry which are in the custody of the Immigration and Naturalization Service.*

§ 362.9 *Examination and investigation—(a) Examination of applicant.* At the examination the examining officer shall orally review the application with the applicant. Any necessary changes shall be consecutively numbered by such officer and acknowledged in the oath or affirmation which is a part of the application. The applicant must at that time produce the original documents, copies of which he wishes considered in support of his application. Such copies or excerpts therefrom as are found to be pertinent shall be verified by the examining officer from the originals, and be appropriately marked and numbered for identification and made part of the record. When no longer required, the original documents shall be returned to the applicant. The examining officer shall then administer the oath or affirmation contained on page 4 of Form N-105, and obtain the applicant's signature at the appropriate place. Only in cases in which the examining officer deems the action necessary shall a further examination of the applicant be made by interrogation, under oath or affirmation, but in such cases a transcript of the additional testimony taken shall be incorporated as a part of the record.

(b) *Examination of witnesses.* Witnesses shall be examined orally under oath or affirmation in accordance with the interrogatories of Form N-120. Should additional statements be deemed necessary, witnesses shall be interrogated under oath or affirmation, and a transcript of their testimony shall be made a part of the record. Witnesses located within a reasonable distance of the place of examination shall be required to appear in person to execute Form N-120, and for oral examination. When witnesses cannot appear because of remoteness, disability, or other sufficient cause, their affidavits may be accepted without requiring their personal appearance. What constitutes remoteness, disability, or other sufficient cause within the meaning of this subsection shall be determined by the officer in charge of the district or subdistrict in which the witnesses are located.

(c) *Investigations in other districts.* Necessary investigations in other districts may, when feasible, be conducted by correspondence. Where it is considered useful to obtain information from records and there is reasonable ground to believe that such action will accomplish material results, such further investigations may be made by correspondence.

(d) *Purpose of examinations.* The purpose of all examinations shall be to

obtain evidence bearing upon the applicant's qualifications for registry and the qualifications of his witnesses. Records in registry proceedings shall be restricted to the accomplishment of this purpose.*

§ 362.10 *Record; recommendation, review, and disposition.* Upon completion of the examination, the examining officer shall prepare a report of his findings on Form N-125 (Findings in Application for Registry) as to each of the six essential facts to be established as prescribed by § 362.7, together with his recommendation and any comment he deems necessary. If denial of the application is recommended, a statement shall be made of the supporting grounds and reasons therefor. When recommendation is made that the application be granted and such action is based primarily on other than documentary evidence, a brief statement of the facts and circumstances in evidence considered sufficient to justify such action shall be made. When recommendation to grant the application is based principally on documentary evidence, that fact shall be stated. The record, supporting documents, and photographs, and the findings and recommendation of the examining officer shall then be forwarded to the district director. That officer, or an officer designated by him for that purpose, shall thereupon review the record, both as to procedural requirements and the findings and recommendation, and shall himself or through his designated substitute prepare and execute Form N-130 (Record of Investigation of Applicant for Registry) in triplicate. If such review leads to a different recommendation from that of the examining officer, the reasons therefor shall be stated briefly on Form N-130. The entire record shall then be transmitted to the Central Office.*

§ 362.11 *Authorization or denial; procedure thereafter.* If the Commissioner of Immigration and Naturalization is satisfied from the record and accompanying documents that the applicant is entitled to registry, an order to that effect will be entered on Form N-130. The original of said form shall be retained in the Central Office, and the duplicate forwarded to the officer in charge of the district where entry occurred. That officer shall consummate the registry by making duplicate Form N-130 a part of the records of the port through which, or port nearest to the place where, the alien entered the United States. If the port or place through which applicant entered the United States is in a district other than that in which his application for registry originated, the officer in charge of the district where the application was filed shall be furnished with triplicate Form N-130 for his records. The triplicate and duplicate copies of said form shall be sent to the head of the district wherein entry occurred when the place where the application was filed is in the same district. If the Commissioner of Immigration and Naturalization is not satisfied from the

record and accompanying documents that the applicant is entitled to registry, the application shall be denied, and the head of the district wherein the application was filed advised of the action. If denied on the ground that applicant is subject to deportation, the Central Office shall take such further action as may be considered advisable.*

§ 362.12 *Certificate of lawful entry; delivery.* In all cases where the application is granted, Form N-135 (Certificate of Lawful Entry) shall be issued with the photograph of the applicant affixed. The certificate shall be mailed to the officer in charge of the district wherein the application originated, for delivery. Before delivery, the certificate shall be signed by the applicant in the presence of an immigration and naturalization officer, who shall likewise sign it. If the applicant resides at a considerable distance from the immigration and naturalization office, the certificate shall be forwarded to the postmaster at the applicant's place of residence, and the applicant shall be instructed to call upon the postmaster for the certificate. The postmaster shall be requested to sign the certificate and to have the applicant sign the certificate in his presence, obtain a receipt therefor on Form N-140 (Receipt for Certificate of Lawful Entry) and forward it to the appropriate officer.*

§ 362.13 *Replacement of certificate lost, mutilated, or destroyed.* If a certificate of lawful entry issued to an alien is lost, badly mutilated, or destroyed, application for a duplicate shall be made in affidavit form, accompanied by three photographs of the applicant of the size and type prescribed in § 362.2. The application shall be made to the Central Office through the immigration and naturalization office located nearest to the applicant's place of residence. The application, which shall be executed in duplicate, shall recite the circumstances of the loss or destruction of the certificate. If replacement is being sought because of mutilation of the original certificate, the latter must be forwarded with the application. The officer receiving the application shall forward the original thereof and accompanying photographs, together with appropriate recommendation, to the district director for transmission to the Central Office. Upon delivery of the duplicate certificate, the applicant shall be instructed that if the original certificate alleged to have been lost or destroyed is later found, it must be delivered to an immigration and naturalization officer for transmission to the Central Office.* (Nationality Act of 1940, sec. 328 (b) (c), 54 Stat. 1152)

§ 362.14 *Virgin Islands; fees; manner of report; deposit.* Notwithstanding any other provisions of this Part, money orders for fees paid in registry proceedings by aliens residing in the Virgin Islands of the United States shall be made payable to the "Commissioner of Finance of the Virgin Islands." The officer in charge of immigration and naturaliza-

tion matters in the Virgin Islands shall deposit such fees in a special account with the Commissioner of Finance of the Virgin Islands and shall obtain a certificate for each deposit which shall identify the money order by kind, remitter, date, place of issuance, and amount. He shall modify Form N-115 to show that the money order has been deposited as required by this section and shall attach to the form before transmitting it to the Central Office the certificate of deposit from the Commissioner of Finance of the Virgin Islands. If the application for registry is granted and a certificate of lawful entry issued, the Commissioner of Finance of the Virgin Islands shall be informed and shall be authorized to transfer the fee in such case from the special account into the treasury of the Virgin Islands as revenue. If the application for registry is denied, the Commissioner of Finance of the Virgin Islands shall be so informed.* (Sec. 35, Act of June 22, 1936, 48 U.S.C. 1406h)

PART 363—CERTIFICATE OF ARRIVAL

Sec.

- 363.1 Official form of certificate of arrival; contents; by whom issued.
- 363.2 When necessary in order to make declaration of intention.
- 363.3 Certificate of arrival to be filed with petition for naturalization.
- 363.4 Petitioners who are exempt from requirement of certificate of arrival.
- 363.5 Establishment of applicant's claim to exemption from certificate of arrival.
- 363.6 Applicant without record of lawful admission for permanent residence.

§ 363.1 *Official form of certificate of arrival; contents; by whom issued.* The certificate of arrival required by the Nationality Act of 1940 shall be issued only by the Immigration and Naturalization Service, and shall show the date, place, and manner of arrival and whether lawful entry for permanent residence was made, as shown by the record of arrival. Such certificates of arrival shall be issued only on Forms N-210, N-215, N-220, and N-225.* (Nationality Act of 1940, sec. 329, 54 Stat. 1152)

* §§ 363.1 to 363.6 inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 363.2 *When necessary in order to make declaration of intention.* A person who arrived in the United States after June 29, 1906, cannot file a valid declaration of intention until a certificate of arrival has been issued in accordance with § 363.1. A person who alleges and establishes that he entered the United States on or prior to June 29, 1906, and has since continued to reside therein, may file a declaration of intention without the issuance of a certificate of arrival.* (Nationality Act of 1940, sec. 329 (b), 54 Stat. 1152)

§ 363.3 *Certificate of arrival to be filed with petition for naturalization.* Each petitioner for naturalization who entered the United States after June 29, 1906,

shall, unless specifically exempted by the Nationality Act of 1940 from the requirement of a certificate of arrival, file with his petition for naturalization a certificate of arrival issued in accordance with § 363.1. Such certificate of arrival shall be filed with the petition for naturalization at the time the petition is filed. The certificate of arrival issued to support a declaration of intention in accordance with § 363.2, may be used in support of the petition for naturalization.* (Nationality Act of 1940, sec. 332 (c), 54 Stat. 1156)

§ 363.4 *Petitioners who are exempt from requirement of certificate of arrival.* The following persons may file petitions for naturalization without the issuance of a certificate of arrival: (a) persons who entered the United States for permanent residence on or prior to June 29, 1906; (b) petitioners under sections 317 (a) (b) (c), 318, 322, 323, 324, and 325 of the Nationality Act of 1940.* (Nationality Act of 1940, secs. 317 (a) (b) (c), 318, 322, 323, 324, 325, and 332 (c), 54 Stat. 1146, 1147, 1148-1150, 1156)

§ 363.5 *Establishment of applicant's claim to exemption from certificate of arrival.* If an applicant claims exemption from procuring a certificate of arrival, a thorough investigation shall be conducted to establish the validity of the claim. The clerk of court shall defer the execution of a declaration of intention or petition for naturalization by such an applicant until he has been advised by the proper representative of the Service that such paper may be filed.* (Nationality Act of 1940, sec. 329, 54 Stat. 1152)

§ 363.6 *Applicant without record of lawful admission for permanent residence.* Where an applicant for a declaration of intention or a petition for naturalization alleges entry into the United States after June 29, 1906, and prior to July 1, 1924, and no record of his lawful entry for permanent residence can be found, he shall be advised to apply for registry in accordance with the provisions of Part 362.* (Nationality Act of 1940, sec. 328 (b), 54 Stat. 1152)

PART 364—PHOTOGRAPHS

Sec.

- 364.1 Description of required photographs.
- 364.2 Naturalization and citizenship papers requiring photographs; manner of attachment.
- 364.3 Establishment of welfare photographic studios.

§ 364.1 *Description of required photographs.* Every applicant required under this subchapter to furnish photographs of himself, shall furnish three such photographs 2 by 2 inches in size, which shall be unmounted, printed on a thin paper, have a light background, clearly show a full front view of the features of the applicant (with head bare, unless the applicant is a member of a religious order wearing a headdress), with the distance from the top of head to point of chin approximately 1¼ inches, and which shall have been taken within 30 days of the date they are furnished. The applicant,

except in the case of a child or other person physically incapable of signing his name, shall sign each copy of the photograph with his full true name in such manner as not to obscure the features. The signature shall be by mark if the applicant is unable to write. Snapshot, group, or full-length portraits will not be accepted.* (Nationality Act of 1940, sec. 330, 54 Stat. 1152)

*§§ 364.1 to 364.3, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 364.2 *Naturalization and citizenship papers requiring photographs; manner of attachment.* Each duplicate and triplicate declaration of intention and original and duplicate certificate of naturalization issued by any clerk of court shall have securely and permanently attached thereto one copy of the applicant's signed photograph. Each copy of a declaration of intention, certificate of naturalization, certificate of derivative citizenship, special certificate, and certificate in a new name issued by the Central Office shall also have securely and permanently attached thereto a signed photograph of the applicant. In each case in which a seal is affixed to a naturalization or citizenship paper containing a photograph of the applicant, the imprint of a part of the seal shall be affixed so as to extend over the lower portion of the photograph in such manner as not to obscure the features of the applicant. The third print of the photograph will be retained by the field office of the Service in its appropriate file.* (Nationality Act of 1940, sec. 330, 54 Stat. 1152)

§ 364.3 *Establishment of welfare photographic studios.* District directors shall, after investigation, make reports and recommendations to the Commissioner concerning the desirability of the establishment and operation by welfare organizations without profit of photographic studios, solely for the benefit of aliens seeking naturalization. Quarters for such purpose must be in a building occupied by the Service, and be conducted under the supervision of the Commissioner of Immigration and Naturalization. Such welfare organizations shall have the confidence of the district director and shall submit an annual accounting to the Commissioner of the conduct of such studio.* (Nationality Act of 1940, sec. 327 (h), 54 Stat. 1151)

PART 365—DECLARATION OF INTENTION

Sec.

- 365.1 Preliminary form for declaration of intention; to whom sent; when fee for certificate of arrival to accompany.
- 365.2 Notification to appear and file declaration of intention.
- 365.3 Prerequisites to filing.
- 365.4 How executed.
- 365.5 How disposed of.
- 365.6 How numbered.
- 365.7 Oath.

§ 365.1 *Preliminary form for declaration of intention; to whom sent; when fee for certificate of arrival to accompany.* Each prospective declarant shall be required to fill out properly, sign, and forward to the appropriate district or divisional director preliminary Form N-300, accompanied by three photographs of himself, as prescribed in Part 364. If the alien arrived in the United States after June 29, 1906, there shall also be transmitted with Form N-300 the statutory fee of \$2.50 in the form of a money order payable to the order of the "Commissioner of Immigration and Naturalization, Washington, D. C." for the necessary certificate of arrival.* Nationality Act of 1940, secs. 329 (b) and 342 (b) (2), 54 Stat. 1152, 1161)

*§§ 365.1 to 365.7, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 365.2 *Notification to appear and file declaration of intention.* Following the submission of the preliminary Form N-300, as described in § 365.1, the applicant will be notified when and where to appear to file the declaration of intention.

§ 365.3 *Prerequisites to filing.* No declaration of intention shall be executed or issued by any clerk of court for any applicant until such applicant has reached the age of eighteen years, nor for any applicant who arrived in the United States after June 29, 1906, until a certificate of applicant's lawful entry into the United States for permanent residence has been issued by the Commissioner or a Deputy Commissioner of Immigration and Naturalization in accordance with Part 363, and a certification of such arrival has been furnished to the clerk of court on Form N-210-A or N-225-A.* (Nationality Act of 1940, secs. 329 (b) and 331, 54 Stat. 1152, 1153)

§ 365.4 *How executed.* The declaration of intention, together with the duplicate and triplicate copies thereof, shall be executed by the alien before the clerk of any court exercising naturalization jurisdiction or his authorized deputy, regardless of the place of residence of the applicant, and only in the office of said clerk. The declaration of intention shall be issued only on the official form furnished by the Immigration and Naturalization Service.* (Nationality Act of 1940, secs. 327 (d) and 331, 54 Stat. 1151, 1153)

§ 365.5 *How disposed of.* The original of such declaration shall be retained and filed of record by such clerk of court, and the duplicate declaration with Form N-210-A or N-225-A and the second sheet of Form N-300 shall be forwarded to the proper district director or divisional director on the first day of the month following the month in which the declaration is filed, and the triplicate shall be delivered forthwith to the alien.*

(Nationality Act of 1940, sec. 337 (a), 54 Stat. 1158)

§ 365.6 *How numbered.* Declarations of intention shall be numbered in a series separate from petitions, in the order in which filed.* (Nationality Act of 1940, sec. 337 (f), 54 Stat. 1158)

§ 365.7 *Oath.* At the time of the execution of the declaration of intention, the following oath or affirmation shall be administered to the declarant in the office of the clerk of court: "You do swear (affirm) that the statements you have made and the intentions you have expressed in this declaration of intention subscribed by you are true to the best of your knowledge and belief: So help you God."* (Nationality Act of 1940, secs. 331 and 337 (a), 54 Stat. 1153, 1158)

PART 370—PETITION FOR NATURALIZATION

- Sec.
- 370.1 Preliminary form; to whom sent; when fee for certificate of arrival to accompany.
 - 370.2 Notification to appear and file petition for naturalization.
 - 370.3 Petition to be executed before and in office of the clerk of court.
 - 370.4 Verification of petition for naturalization; proof of residence, good moral character, and other requirements.
 - 370.5 Oath of petitioner and witnesses.
 - 370.6 Numbering of petitions.
 - 370.7 Indexing of petitions involving change of name.
 - 370.8 Preliminary naturalization examinations; facts to be ascertained; manner of conducting and uniformity; limitation.
 - 370.9 Material statements of applicants and witnesses to be in writing, under oath.
 - 370.10 Review of field investigations.

§ 370.1 *Preliminary form; to whom sent; when fee for certificate of arrival to accompany.* Each prospective petitioner for naturalization shall be required to fill out properly, sign, and forward to the appropriate District or Divisional Director of Immigration and Naturalization preliminary application Form N-400, accompanied by three photographs of the applicant, as prescribed in Part 364, and the applicant's declaration of intention if one be required. If the entry of the applicant into the United States occurred after June 29, 1906, and a certificate of arrival is required to support a petition for naturalization, although a declaration of intention is not required, the application shall be accompanied by the statutory fee of \$2.50 in the form of a money order payable to the order of the "Commissioner of Immigration and Naturalization, Washington, D. C.", for the necessary certificate of arrival.* (Nationality Act of 1940, secs. 332 (c) and 342 (b) (2), 54 Stat. 1156, 1161)

*§§ 370.1 to 370.10, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR. 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 370.2 *Notification to appear and file petition for naturalization.* Following the submission of the preliminary

Form N-400, as described in § 370.1, the applicant will be notified when and where to appear to file the petition for naturalization.*

§ 370.3 *Petition to be executed before and in office of the clerk of court.* The petition for naturalization and the duplicate copy thereof shall be executed by the petitioner and his witnesses before the clerk of the court exercising jurisdiction or his authorized deputy, and only in the office of said clerk.* (Nationality Act of 1940, sec. 332 (a), 54 Stat. 1154.)

§ 370.4 *Verification of petition for naturalization; proof of residence, good moral character, and other requirements.* A petitioner for naturalization, except where granted special exemption by law from the usual requirements as to residence, shall, at the time he files his petition, verify it by the affidavits of at least two credible witnesses, citizens of the United States, who shall appear in person and who shall have and aver knowledge of the petitioner at each place of his residence in the State where then residing during the period of at least six months immediately prior to the filing of the petition. If the petitioner has resided at two or more places in the State during such six months' period, and for this reason two witnesses cannot be procured to verify the petition as to all such residence, additional witnesses may be used but their affidavits shall be executed in triplicate on Form N-451, one copy of which affidavit shall be attached to the original petition and the others to the duplicate and triplicate petitions, respectively, at the time of filing the petition. Each of the witnesses named in this section shall state in his affidavit that he has personally known the petitioner to have been a resident at such place for such period and that the petitioner was, during all such time, a person of good moral character, attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States.* (Nationality Act of 1940, secs. 307 and 309 (a), 54 Stat. 1142, 1143)

§ 370.5 *Oath of petitioner and witnesses.* The petition for naturalization shall be executed under oath or affirmation. The following oath or affirmation shall be administered to the petitioner: "You do swear (affirm) that you know the contents of this petition for naturalization subscribed by you, that the same are true to the best of your own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters you believe them to be true, and that this petition was signed by you with your full, true name: So help you God."

The following oath or affirmation shall be administered to each of the witnesses who verify the petition: "You do swear (affirm) that the statements of fact you have made in the affidavit of this petition for naturalization subscribed by you are true to the best of your knowledge

and belief: So help you God."* (Nationality Act of 1940, secs. 309 (a) and 332 (a), 54 Stat. 1143, 1154)

§ 370.6 *Numbering of petitions.* Petitions for naturalization shall be numbered in a series separate from declarations of intention in the order in which filed.* (Nationality Act of 1940, sec. 337 (f), 54 Stat. 1158)

§ 370.7 *Indexing of petitions involving change of name.* Where a change of a petitioner's name has been finally ordered by the court, the clerk of court shall enter both the name by which the petitioner was originally known and his name, as changed, in the index of petitions for naturalization.* (Nationality Act of 1940, sec. 333 (e), 54 Stat. 1157)

§ 370.8 *Preliminary naturalization examinations; facts to be ascertained; manner of conducting and uniformity; limitation.* Wherever practicable, preliminary examinations of applicants for naturalization and their witnesses shall be made in person and under oath. The applicant and each witness shall be interviewed separately and apart from one another. The purpose of such examinations shall be to obtain accurate and material information bearing upon the applicant's admissibility to citizenship and the qualifications of the witnesses. Both the applicant and the witnesses shall be carefully interrogated to determine whether the applicant has complied with the jurisdictional requirements of law; is mentally and morally qualified for citizenship; is attached to the principles of the Constitution of the United States, and is well disposed to the good order and happiness of the United States. If the applicant has been arrested or charged with the violation of any law or ordinance, the facts shall be ascertained, including information as to whether conviction resulted and the nature and extent of any sentence which may have been imposed. Particular attention shall be given to ascertaining the applicant's complete marital history and the whereabouts of his or her spouse, if married, and minor children, if any. Questions to applicants and witnesses shall be repeated in different form and elaborated, if necessary, until the examining officer is satisfied that the person being interrogated fully understands them. The witnesses shall be questioned to develop not only their own credibility and competency but also the extent of their personal knowledge of the applicant's residence, good moral character, attachment to the principles of the Constitution of the United States, and other qualifications for citizenship. Search shall be made of appropriate court and other records and other available sources of information in establishing the qualifications of the applicant and witnesses. The examination shall be limited to inquiry concerning the applicant's residence, good moral character, understanding of and attachment to the fundamental principles of the Constitution of the United States, and his other qualifi-

cations to become a naturalized citizen, and shall be uniform throughout the United States.* (Nationality Act of 1940, sec. 327 (b), 54 Stat. 1151.)

§ 370.9 *Material statements of applicants and witnesses to be in writing, under oath.* Material statements of applicants for naturalization or applicants for certificates of citizenship or other naturalization or citizenship documents, and their witnesses, shall, where deemed necessary by the naturalization officer, be taken down in writing and under oath and signed by the applicant or witness.*

§ 370.10 *Review of field investigations.* District directors and divisional directors shall, so far as possible, review the records of field investigations, either personally or through some duly designated member or members of the field staffs of their offices, and assign any available examiners, when advisable, to conduct further investigations, especially outside the offices of the Service.*

PART 373—NATURALIZATION HEARINGS AND PROOF OF NATURALIZATION REQUIREMENTS

Sec.

- 373.1 Preliminary hearing under section 333 of the Nationality Act of 1940.
- 373.2 Proof at the hearing of residence and other qualifications within or without the State, but prior to the six months' period.
- 373.3 Depositions; procedure.
- 373.4 Substitution of witnesses; procedure.
- 373.5 Certificates by examiner where petitioner is exempt from certain residential requirements; immediate hearing.
- 373.6 Naturalization rule days.
- 373.7 Personal representation of Government at court hearings.
- 373.8 Written report in lieu of personal representation at final hearings.
- 373.9 Objections; form and content; procedure when overruled.
- 373.10 Procedure where petitioner for naturalization appears to be a citizen of the United States.

§ 373.1 *Preliminary hearings under section 333 of the Nationality Act of 1940.*

(a) Preliminary hearings conducted under section 333 of the Nationality Act of 1940 shall be open to the public. Wherever possible, a member of the Service other than the person who conducted the preliminary examination, shall serve as designated examiner. Preliminary hearings shall be conducted in person by the designated examiner, or officer, and the petitioner and his witnesses shall be present. The petitioner and witnesses shall first be duly sworn. The designated examiner shall have before him at the preliminary hearing the record of the preliminary examination in each case. He shall not, however, be limited to the information contained in such record, but may use any material evidence or data received from any other source; and he may present and examine other witnesses than those produced by the petitioner.

(b) After the conclusion of the preliminary hearing in each case, where it is determined to make a favorable recommendation to the court, the witnesses in such case may be excused from further

appearance. In any case where the recommendation is unfavorable, the designated examiner shall inform the petitioner of his right to appear before the court in person with his witnesses at the final hearing.

(c) At the time the designated examiner or officer conducts the preliminary hearing of each petitioner he shall enter on Form N-476 the petition number, petitioner's name, and, upon completion of the examination, fill in the symbols indicating his findings and a brief notation of the reasons for any unfavorable finding. This docket shall be signed by him and shall be made available to the court whenever desired, and after the final hearing shall be filed of record in the field office.

(d) The designated examiner or officer shall prepare in duplicate his findings and recommendations for presentation to the court on Forms N-479, N-480, N-481, and N-482 for petitions which are favorably recommended, on Form N-484 for petitions unfavorably recommended, and on Form N-483 for petitions for which a continuance is recommended. These findings and recommendations shall be signed by the designated examiner and submitted to the judge of the court at or before the final hearing, for approval with such exceptions as the judge may deem proper. After the findings and recommendations have been signed by the judge of the court, the originals shall be filed permanently in the court and the duplicates sent to the Central Office by the clerk of court through the appropriate field officer.* (Nationality Act of 1940, secs. 333 and 334 (b), 54 Stat. 1156)

*§§ 373.1 to 373.10, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 373.2 *Proof at the hearing of residence and other qualifications within or without the State, but prior to the six months' period.* At the preliminary hearing upon the petition for naturalization before a designated examiner, or, if no preliminary hearing is held, at the final hearing before the court, the petitioner shall prove the qualifications required by section 307 (a) of the Nationality Act of 1940 either by depositions taken in accordance with § 373.3, or by the oral testimony of at least two credible citizen witnesses for each place of his residence except that proof, where required, of the petitioner's residence in the State where the petition is filed during at least six months immediately preceding its filing shall be made only by the oral testimony of such witnesses. Where oral testimony to establish residence prior to the period of six months immediately preceding the filing of the petition is taken before a court or before a designated examiner, an affidavit on Form N-451 shall be executed by the witnesses in triplicate before the clerk

of court or the designated examiner, one copy of which affidavit shall be attached to the original petition, and the others to the duplicate and triplicate petitions, respectively. Where the testimony of the witnesses is heard by a designated examiner they may be excused from appearance before the court at the final hearing, unless the petitioner otherwise demands or the court otherwise orders.* (Nationality Act of 1940, secs. 307, 309, 327 (e), 333, and 334, 54 Stat. 1142, 1143, 1151, 1156)

§ 373.3 *Depositions; procedure.* Depositions may be used to prove compliance with the requirements for naturalization during any period except the minimum period of State residence. Such depositions shall be taken only upon written interrogatories on Form N-462. Whenever possible they shall be made before a naturalization examiner, but where there is a likelihood of unusual delay or of hardship, such depositions may be taken before a postmaster without charge, or before a notary public or other person authorized to administer oaths for general purposes, and such authorization shall be filed in the naturalization court with the depositions. The appropriate district director is hereby authorized to determine when an unusual delay or hardship is likely in such cases, and is authorized to appoint postmasters or other officers to take depositions in such cases. In cases where the depositions are taken other than before a naturalization examiner or postmaster, the alien shall be informed of the name and title of the officer designated to take the depositions, and the petitioner shall arrange with him independently of the Service to defray all costs and expenses therewith. When depositions are taken by the Service, the time and place shall be so fixed as to be as convenient as possible to all concerned, consistently with good administration. Where deponents reside at or in the vicinity of the local headquarters of the Service, the depositions shall, if possible, be taken in the office of the Field Service. In other cases, definite arrangements shall be made with deponents by correspondence prior to their appearance. The petitioner for naturalization shall have the right to be present or to be represented, if desired, when the depositions are taken. Depositions shall be sent to the officer having administrative supervision over the district in which the petition is filed, and by him forwarded to the clerk of court at any appropriate time prior to the final hearing upon the petition.* (Nationality Act of 1940, secs. 309 (b) and 327 (e), 54 Stat. 1143, 1151)

§ 373.4 *Substitution of witnesses; Procedure.* If the witnesses who verified the petition cannot be produced at the final hearing, and the petitioner desires to substitute other witnesses in their stead, notice thereof on Form N-450 shall

be given by the petitioner to the naturalization officer having administrative supervision over the district in which the petition is filed, at a reasonable time in advance of the date set for the final hearing upon the petition for naturalization. Where the competency and qualifications of the original witnesses have been previously determined by the Service to be satisfactory, and a representative of the Service attends the final hearing in person, notice of intention to substitute witnesses may be given to such representative at the hearing. In no case shall a final hearing be held upon a petition until after the substitute witnesses have been examined by the representative of the Service and an affidavit on Form N-451 executed in triplicate by the witnesses before such representative or the clerk of court. One copy of this affidavit shall be attached to the original petition, prior to or at the time of the hearing, and the others filed with the duplicate and triplicate petitions, respectively. If it should appear after a petition has been filed that any of the verifying witnesses thereto are not competent, and it is established that the petitioner acted in good faith in producing such incompetent witnesses, other witnesses may be substituted in accordance herewith.* (Nationality Act of 1940, sec. 309 (d), 54 Stat. 1144)

§ 373.5 *Certificate by examiner where petitioner is exempt from certain residential requirements; immediate hearing.* Petitioners for naturalization who conform to the requirements of section 317 (a) or (c), 318 (a), 324 (a) or (b), or 325, of the Nationality Act of 1940, may be naturalized without compliance with the usual requirements for residence in the United States and in the State, but shall personally file their petitions for naturalization in conformity with the other applicable provisions of the naturalization laws, and may have their petitions heard immediately, provided that there is attached to the original and duplicate petitions at the time of filing a certificate of examination of a naturalization examiner on Form N-440.* (Nationality Act of 1940, secs. 317 (a) (c), 318 (a), 324 (a) (b), and 325, 54 Stat. 1146, 1147, 1149, 1150)

§ 373.6 *Naturalization rule days.* Final naturalization hearings shall be held only on stated days fixed by rule of the court. Each district director, as far as possible, shall endeavor to have rule days for final hearings arranged so that naturalization sessions of the courts will follow each other in adjoining counties or circuits.* (Nationality Act of 1940, sec. 332 (d), 54 Stat. 1156)

§ 373.7 *Personal representation of Government at court hearings.* Whenever possible, final naturalization hearings shall be attended personally by naturalization examiners or other members of the Service authorized by the Commissioner. Representatives appear-

ing in behalf of the United States may cross-examine the petitioner and the witnesses produced in support of the petition, and may call other witnesses and produce evidence concerning any matter affecting the petitioner's right to naturalization. In cases where it appears to be necessary, the naturalization officer shall have made a stenographic report of the testimony given in any naturalization proceeding.* (Nationality Act of 1940, sec. 334 (d), 54 Stat. 1157)

§ 373.8 *Written report in lieu of personal representation at final hearings.* Whenever it is impossible for a representative of the Service to be present at the final hearing upon a petition for naturalization, notice thereof shall be seasonably transmitted by the Service to the court in writing. The petitions set down for hearing shall be listed by number and name, and on the list shall be indicated immediately under each number and name all unfavorable facts, and if any, the grounds for objection, with pertinent comment and citation of authorities in support of the objection. Where continuance of the petition may be desired, the basis therefor shall be set forth. In cases in which the Service offers no objection it shall be so stated.* (Nationality Act of 1940, sec. 334 (d), 54 Stat. 1157)

§ 373.9 *Objections; form and content; procedure when overruled.* Where material objection on behalf of the United States by the Service to the granting of a petition for naturalization is overruled by the court, the necessary action shall be taken to preserve the Government's right of review. Material objections shall be in writing, in the form of a motion for an order denying the petition for naturalization, and shall set forth with particularity all of the grounds therefor. Where a material objection is overruled, a comprehensive report containing all the pertinent facts shall be submitted to the Central Office not later than ten days after the date of the hearing. Such report shall contain the recommendation of the officer who attended the final hearing and of the appropriate district director, as to whether an appeal should be taken or cancellation proceedings instituted.* (Nationality Act of 1940, sec. 334 (d), 54 Stat. 1157)

§ 373.10 *Procedure where petitioner for naturalization appears to be a citizen of the United States.* Where doubt exists as to whether a petitioner for naturalization is already a citizen of the United States, the motion of the designated examiner or of the examiner at the final hearing should in no case be for denial of the petition on the ground that the petitioner is "already a citizen" unless the proof of that fact is clear and positive. Where doubt of citizenship exists, the case shall be treated by the Service as though the applicant were an alien.* (Nationality Act of 1940, sec. 334 (d), 54 Stat. 1157)

PART 375—OATH OF RENUNCIATION AND ALLEGIANCE

- Sec.
375.1 Petitioners for naturalization required to take oath of renunciation and allegiance.
375.2 Oath of renunciation and allegiance by certain women before a naturalization court or a diplomatic or consular officer of the United States.
375.3 Oath of renunciation and allegiance waived in the cases of certain children.
375.4 Renunciation of title or order of nobility.

§ 375.1 *Petitioners for naturalization required to take oath of renunciation and allegiance.* A petitioner for naturalization under the general provisions of the Nationality Act of 1940, or under section 308, 310, 311, 312, 315, 316, 317 (a) or (c), 318, 319 (a), 320, 321, 323, 324, 325, or 326, of that Act, shall take in open court the oath of renunciation and allegiance prescribed by section 335 of that Act, unless such oath is waived as set forth in § 375.3.* (Nationality Act of 1940, sec. 335, 54 Stat. 1157)

* Sections 375.1 to 375.4, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 676, 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 375.2 *Oath of renunciation and allegiance by certain women before a naturalization court or a diplomatic or consular officer of the United States.* (a) A woman who applies to resume citizenship under section 317 (b) of the Nationality Act of 1940, may take the oath of renunciation and allegiance, prescribed by section 335 of that Act, if abroad before a diplomatic or consular officer of the United States, or if in the United States before the judge or clerk of a naturalization court, and from and after taking such oath she shall be deemed a citizen of the United States. (Nationality Act of 1940, secs. 317 (b) and 335, 54 Stat. 1146, 1157)

(b) Such oath of renunciation and allegiance shall be entered in the records of the appropriate embassy or legation or consulate or naturalization court, and, upon demand, the woman taking the oath may obtain a certified copy of the proceedings, including a copy of the oath administered, under the seal of the embassy or legation or consulate or naturalization court, at a cost not exceeding \$1, which certified copy shall be evidence of the facts stated therein before any court of record or judicial tribunal and in any department of the United States. (Nationality Act of 1940, sec. 317 (b), 54 Stat. 1146)

(c) A woman born in the United States, who lost or was believed to have lost United States citizenship solely by reason of marriage prior to September 22, 1922, to an alien, and whose marriage to such alien terminated prior to January 13, 1941, or who resided in the United States continuously since the date of such

marriage, and who is deemed to be a citizen of the United States under the provisions of the Act of June 25, 1936, or the Act of July 2, 1940, may, on or after January 13, 1941, take the oath of renunciation and allegiance prescribed by section 335 of the Nationality Act of 1940, if abroad before a diplomatic or consular officer of the United States, or if in the United States before a naturalization court, and shall be entitled to the benefits of paragraph (b) of this section. Such woman shall not have or claim any of the rights of a citizen of the United States until she shall have taken such oath.* (Act of June 25, 1936, 49 Stat. 1917, as amended by the Act of July 2, 1940, 54 Stat. 715; 8 U.S.C. 9a; Nationality Act of 1940, secs. 347 (a) and 504, 54 Stat. 1168, 1172)

§ 375.3 *Oath of renunciation and allegiance waived in the cases of certain children.* The naturalization court may waive the oath of renunciation and allegiance prescribed by section 335 of the Nationality Act of 1940, in the case of a child under eighteen years of age in whose behalf a petition for naturalization is filed by a parent or guardian under section 315, 316, or 319 (a) of the Nationality Act of 1940, if in the opinion of the court the child is too young to understand the meaning of such oath.* (Nationality Act of 1940, secs. 315, 316, 319 (a), and 335, 54 Stat. 1146, 1148, 1157)

§ 375.4 *Renunciation of title or order of nobility.* A petitioner for naturalization who has borne any hereditary title or has been of any of the orders of nobility in any foreign state, shall, in addition to the taking the oath of allegiance prescribed by § 375.1, make under oath in open court an express renunciation of such title or order of nobility.* (Nationality Act of 1940, sec. 335 (c), 54 Stat. 1157)

PART 377—CERTIFICATE OF NATURALIZATION

Sec.

- 377.1 Certificate; when and by whom issued; disposition of duplicate.
- 377.2 Change of name; endorsement to be made by clerk on certificate.
- 377.3 Endorsement on stub of certificate of alien registration number.
- 377.4 Blank certificates furnished clerks of court; execution and issuance of certificates.

§ 377.1 *Certificate; when and by whom issued; disposition of duplicate.* Where a final order admitting the petitioner to citizenship has been duly signed by a judge, a certificate of naturalization shall be issued by the clerk of court to such petitioner, and the duplicate of such certificate shall be disposed of as provided in § 377.4 of this part.* (Nationality Act of 1940, sec. 337 (c), 54 Stat. 1158)

*§§ 377.1 to 377.4, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 377.2 *Change of name; endorsement to be made by clerk on certificate.* Where the name of the petitioner has been changed by order of court as a part of the naturalization, the clerk of court shall make, date, and sign the following endorsement on the reverse side of the original and duplicate of the certificate of naturalization: "Name changed by decree of court from _____, as a part of the naturalization", inserting in full the original name of the petitioner. A similar notation shall be made on the stub of the original certificate. The certificate of naturalization shall be issued and the stub thereof signed according to the name as changed.* (Nationality Act of 1940, sec. 334 (e), 54 Stat. 1157)

§ 377.3 *Endorsement on stub of certificate of alien registration number.* The clerk of court, before delivering a certificate of naturalization to the naturalized person, shall obtain from the latter his or her Alien Registration Receipt Card, issued under the Alien Registration Act, 1940, and forward it to the Commissioner of Immigration and Naturalization with the duplicate certificate, after endorsing the alien registration receipt number on the stub of the duplicate certificate. No certificate of naturalization shall be delivered to any naturalized person unless and until such person has surrendered his or her Alien Registration Receipt Card, unless specific authority for such delivery has been given by the appropriate district director.* (Title III, Alien Registration Act, 1940, 54 Stat. 673; 8 U.S.C. 451-460, inclusive)

§ 377.4 *Blank certificates furnished clerks of court; execution and issuance of certificates.* Blank certificates of naturalization will be transmitted to clerks of courts either directly by the Central Office or through the local naturalization officers, as conditions require. The clerk of the court will issue a receipt for such certificates upon receipt cards provided by the Central Office. Original and duplicate certificates of naturalization when issued shall be fully executed, and signed by the clerk in his own handwriting, and he shall enter on the stub of each certificate so issued a memorandum of all the essential facts as set forth in such certificate. Both copies of the certificate in any case, including the stubs, shall, wherever possible, be legibly written at the same operation, with the use of carbon paper, on a typewriter. The stub shall be removed and retained by the clerk of court and may be filed in an upright card file, or in a 3- by 5-inch card drawer by trimming to that size. The duplicate certificates shall not be separated from their stubs but shall be forwarded at the proper time with all other duplicate papers. Every care must be exercised to prevent the loss or misplacement of any certificate of naturalization.* (Nationality Act of 1940, secs. 336 and 337 (c), 54 Stat. 1157, 1158)

PART 378—CERTIFICATE OF NATURALIZATION FOR VETERAN OF WORLD WAR ALLIED FORCES

Sec.

- 378.1 Application for; who may make; procedure; form; fee.
- 378.2 Investigation; certificate; by whom issued; delivery; receipt; proof.

§ 378.1 *Application for; who may make; procedure; form; fee.* A person naturalized under the provisions of section 323 of the Nationality Act of 1940, who desires to obtain a certificate of naturalization evidencing such citizenship, shall fill out properly, sign, and forward application Form N-580 to the Commissioner of Immigration and Naturalization, Washington, D. C. Such application shall be accompanied by three photographs of the applicant prepared in accordance with Part 364, and the statutory fee of \$1 in the form of a money order payable to the "Commissioner of Immigration and Naturalization, Washington, D. C."* (Nationality Act of 1940, secs. 323 and 342 (b) (7), 54 Stat. 1149, 1161)

*§§ 378.1 to 378.2, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 378.2 *Investigation; certificate; by whom issued; delivery; receipt; proof.* The Commissioner of Immigration and Naturalization may, if deemed necessary, transmit the application described in § 378.1 to the appropriate district director for investigation. Upon proof to the satisfaction of the Commissioner of Immigration and Naturalization that the applicant has been naturalized under section 323 of the Nationality Act of 1940 as claimed, the certificate of naturalization shall be issued and delivered to the applicant in person upon his signed receipt therefor, provided that he is then in the United States. Every applicant for a certificate of naturalization under this Part shall be required to satisfy the Service that he has not, since he acquired United States citizenship under section 323 of the Nationality Act of 1940, lost such citizenship.* (Nationality Act of 1940, secs. 323 and 342 (b) (7), 54 Stat. 1149, 1161)

PART 379—CERTIFICATE OF DERIVATIVE CITIZENSHIP

Sec.

- 379.1 Who may apply for certificate of derivative citizenship.
- 379.2 Application for certificate; form; fee.
- 379.3 Attorneys.
- 379.4 Procedure upon receipt of application.
- 379.5 Proof.
- 379.6 Evidence and investigation.
- 379.7 Record; recommendation, review.
- 379.8 Final disposition.

§ 379.1 *Who may apply for certificate of derivative citizenship.* Any person who claims to have derived United States citizenship through the naturalization of a parent or parents or through

the naturalization or citizenship of a spouse may apply to the Commissioner for a certificate of derivative citizenship.* (Nationality Act of 1940, sec. 339, 54 Stat. 1160)

*§§ 379.1 to 379.8, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 379.2 *Application for certificate; form; fee.* Application for a certificate of derivative citizenship shall be made by the applicant on Form N-600 and shall be submitted either in person or by mail to the immigration and naturalization office located nearest the applicant's place of residence. The application shall be signed and sworn to by the applicant, or in the case of a child under the age of 18 years by his parent or guardian, on page 4 of the form prior to its submission. The application shall be accompanied by a money order in the sum of \$5, payable to the "Commissioner of Immigration and Naturalization, Washington, D. C." Cash shall not be accepted. The application shall also be accompanied by the originals of such documentary evidence, or pertinent excerpts therefrom if the documents are lengthy or bulky, as the applicant may have or be able to obtain relating to the date and place of his birth, the date and place of the marriage of his parents, the date and place of marriage of applicant, or any other documents tending to establish his claimed derivation of citizenship. If the applicant desires any such documents returned to him after final action has been taken in his case, his application should also be accompanied by photostatic, photographic, or typewritten copies of such documents. The applicant must submit three photographs in accordance with the requirements of Part 364 of this title.* (Nationality Act of 1940, sec. 339, 54 Stat. 1160)

§ 379.3 *Attorneys.* Attorneys and other persons qualified to practice before the Immigration and Naturalization Service, who represent applicants for certificates of derivative citizenship, shall be permitted, upon completion of the application and examination of the applicant and his witnesses, to review the record either before it is forwarded to the Central Office or thereafter, and prior to final decision. Such attorneys and other practitioners may submit briefs, and, upon sufficient notice, shall be given opportunity to present oral argument before the Central Office. When final decision is made in a case, the attorney or other person representing the applicant shall be entitled to notification of such action.* (Nationality Act of 1940, sec. 339, 54 Stat. 1160)

§ 379.4 *Procedure upon receipt of application.* If the application is not properly prepared, or does not present a prima facie case of derivation of citizenship, it shall be returned for correction or completion, and shall not be accepted until

properly prepared. When an application is submitted, but the nature of the documentary evidence therewith is not reasonably adequate to support the application, the field office may defer acceptance thereof. In the latter event, the application, money order, photographs, and documentary evidence, and any copies of evidence shall be returned to the applicant with a request for submission of more substantial evidence. If the application is thereafter submitted in the manner prescribed by § 379.2, accompanied by satisfactory evidence, or is so submitted with the statement that further evidence cannot be obtained, the field office shall accept it for further consideration. When the application has been so accepted, the field office shall acknowledge receipt of the money order. At that time, or later, if necessary, the applicant shall be informed when and where he and his witnesses will be examined upon the merits of his application. The money order submitted shall be transmitted to the officer of the Service in charge of the district who shall forward it to the Central Office.* (Nationality Act of 1940, sec. 339, 54 Stat. 1160)

§ 379.5 *Proof.* The applicant shall establish to the satisfaction of the Commissioner that he is a citizen of the United States and that he derived such citizenship through the naturalization of a parent or parents or through the naturalization or citizenship of a spouse.* (Nationality Act of 1940, sec. 339, 54 Stat. 1160)

§ 379.6 *Evidence and investigation.* The record shall include the testimony under oath of such number of credible witnesses, preferably citizens of the United States, concerning the facts of the applicant's alleged citizenship as may be deemed necessary. Any facts deemed necessary to the investigation relating to the birth, death, marriage, divorce, or identity of any person involved therein shall be established by certified copies of public records or church records if such records are available or can be obtained. If the examining officer be satisfied that the applicant has made a reasonable effort to procure such documentary evidence and that it is not available or cannot be procured without undue hardship to such applicant, the examining officer may receive and consider any other evidence which the applicant may present. The burden of proof to establish his derivative citizenship shall at all times be upon the applicant. In presenting his proof, he shall be entitled to the benefit of any records concerning him which are in the custody of the Service. At the examination, the examining officer shall orally review the application with the applicant. Any necessary changes in it shall be consecutively numbered and acknowledged in writing by the applicant. When no longer required, the original documents shall be returned to the applicant if photostatic or other copies thereof have

been supplied by him for the record. The sworn testimony of the applicant shall be set forth on Form N-610. The sworn testimony of the person through whom the applicant claims to have derived citizenship shall be set forth in Form N-615. The sworn testimony of any witnesses offered by the applicant to substantiate his claim to citizenship shall be set forth on Form N-620.* (Nationality Act of 1940, sec. 339, 54 Stat. 1160)

§ 379.7 *Record; recommendation, review.* Upon completion of the examination, the examining officer shall prepare a report of his findings on Form N-635 as to each of the essential facts to be established in the proceeding, together with his recommendation and any comment he deems necessary. If denial of the application is recommended, a statement shall be made of the supporting grounds, and reasons therefor. When recommendation to grant the application is based principally on documentary evidence, that fact shall be stated. When recommendation is made that the application be granted, and such action is based primarily on other than documentary evidence, a brief statement of the facts and circumstances in evidence considered sufficient to justify such action shall be made. The record, supporting documents, photographs, and the findings and recommendation of the examining officer shall then be forwarded to the district director. That officer or an officer designated by him for that purpose, shall thereupon review the record, both as to procedural requirements and the findings and recommendation, and shall himself, or through his designated substitute, make his recommendation on Form N-635. If such review leads to a different recommendation from that of the examining officer, the reasons therefor shall be stated in writing. The entire record shall then be submitted to the Central Office.* (Nationality Act of 1940, sec. 339, 54 Stat. 1160)

§ 379.8 *Final disposition.* If the Commissioner is satisfied from the record and accompanying documents that the applicant is entitled to receive a certificate of derivative citizenship, an order to that effect will be entered. The certificate shall be issued by the Commissioner or a Deputy Commissioner in duplicate and shall be forwarded to the field office in which the application originated for signature by the applicant, or in the case of a child under 18 years of age by his parent or guardian. The applicant shall, unless he is too young to understand the meaning thereof, take and subscribe to, before a member of the Service, the oath of renunciation and allegiance prescribed by section 335 of the Nationality Act of 1940. Thereafter personal delivery of the original of the certificate shall be made to the applicant, or in the case of a child under 18 years of age to his parent or guardian, who shall sign a receipt there-

for.* (Nationality Act of 1940, secs. 335 and 339, 54 Stat. 1157, 1160)

PART 380—SPECIAL CERTIFICATE OF NATURALIZATION FOR RECOGNITION BY A FOREIGN STATE

Sec. 380.1 Application; who may make; form; fee.

380.2 Investigation; certificate; disposition.

§ 380.1 *Application; who may make; form; fee.* Any naturalized citizen may apply for a special certificate of naturalization for the purpose of obtaining recognition as a citizen of the United States by a foreign state. He shall fill out properly, sign, and mail to the Commissioner application on Form N-577. Such application shall be accompanied by three photographs of the applicant prepared in accordance with Part 364, and the statutory fee of \$5 in the form of a money order payable to the "Commissioner of Immigration and Naturalization, Washington, D. C."* (Nationality Act of 1940, secs. 341 (c) and 342 (b) (6), 54 Stat. 1161)

*§§ 380.1 to 380.2, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 380.2 *Investigation; certificate; disposition.* After the naturalization of the applicant has been verified, the Commissioner or a Deputy Commissioner may, if deemed necessary, transmit the application to the appropriate district director for investigation as to the essential facts, including identity and continuance of United States citizenship from the date of the alleged naturalization. The examiner's report containing his findings and recommendation, together with all necessary documents and papers, shall be forwarded by the district director to the Commissioner. Every applicant for a certificate under this Part shall be required to satisfy the Service that he has not expatriated himself subsequent to the date he claims to have acquired United States citizenship which forms the basis of the application. The certificate, if and when issued, will be furnished only to the Secretary of State for transmission to the proper authority in the foreign state where the applicant's citizenship is to be proved.* (Nationality Act of 1940, secs. 341 (c) and 342 (b) (6), 54 Stat. 1161)

PART 382—NATURALIZATION PAPERS REPLACED; NEW CERTIFICATE IN CHANGED NAME

Sec. 382.1 Replacement of a lost, mutilated, or destroyed naturalization paper.

382.2 Changed name; new certificate of naturalization or of citizenship issued.

382.3 Application for new papers; forms; procedure; fees.

382.4 Application for new papers; surrender of old papers; investigation; proof required.

382.5 New papers; by whom issued; forms; numbering.

§ 382.1 *Replacement of a lost, mutilated, or destroyed naturalization paper.* An alien whose declaration of intention, or a naturalized citizen (regardless of the date of the naturalization) whose certificate of naturalization or of citizenship has been lost, mutilated, or destroyed, may apply for a new declaration or certificate in lieu thereof. Such application shall be made on Form N-565, addressed to the Commissioner of Immigration and Naturalization, Washington, D. C.* (Nationality Act of 1940, secs. 341 (b) and 342 (b) (4), 54 Stat. 1161)

*§§ 382.1 to 382.5, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 382.2 *Changed name; new certificate of naturalization or of citizenship issued.* A naturalized citizen whose name has been changed after naturalization, by order of court or by marriage, may apply for a new certificate of naturalization or of citizenship in the changed name. Such application shall be made on Form N-575, addressed to the Commissioner of Immigration and Naturalization, Washington, D. C.* (Nationality Act of 1940, secs. 341 (d) and 342 (b) (8), 54 Stat. 1161)

§ 382.3 *Application for new papers; forms; procedure; fees.* The applicant shall fill out properly, sign, make oath to, and forward the required application to the district director having administrative supervision over the territory in which the applicant resides. The application shall be accompanied by three photographs of the applicant in accordance with Part 364. An application on Form N-565 shall be accompanied by the statutory fee of \$1. An application on Form N-575 shall be accompanied by the statutory fee of \$5. The required fee shall be in the form of a money order payable to the order of the "Commissioner of Immigration and Naturalization, Washington, D. C."* (Nationality Act of 1940, secs. 341 (b) (d) and 342 (b) (4) (8), 54 Stat. 1161)

§ 382.4 *Application for new papers; surrender of old papers; investigation; proof required.* A thorough investigation of the facts shall be made by the Field Service before an application on Form N-565 or N-575 is forwarded to the Central Office. The officer making the investigation shall satisfy himself that the applicant is the individual to whom the naturalization record relates, and, in the case of an alleged lost, mutilated, or destroyed paper, that such paper is beyond recovery or further use, and that it has not been and will not be put to any illegal or improper use. All mutilated naturalization papers shall be surrendered to the Service. In the case of an application for a new certificate in a changed name, the application shall be accompanied by appropriate documentary evidence of such change. Every applicant for a certificate under this Part shall

satisfy the Service that he has not become expatriated subsequent to the date he claims to have acquired United States citizenship.* (Nationality Act of 1940, secs. 341 (b) (d) and 342 (b) (4) (8), 54 Stat. 1161)

§ 382.5 *New papers; by whom issued; forms; numbering.* If the application is approved, the new naturalization or citizenship paper shall be issued by the Commissioner or a Deputy Commissioner and not by the clerk of court. Any new declaration of intention shall be upon Form N-320 or N-321, and any new certificate of naturalization or of citizenship upon Form N-570. The new paper shall be numbered to correspond with the number of the paper which it replaces. Certificates issued to evidence naturalizations which occurred prior to September 27, 1906, shall be consecutively numbered, the number in each instance being preceded by the letters "OL."* (Nationality Act of 1940, secs. 341 (b) (d) and 342 (b) (4) (8), 54 Stat. 1161)

PART 383—CERTIFICATION OF NATURALIZATION RECORDS OR INFORMATION

Sec. 383.1 Application for certification of records; form.

383.2 Application for certification of records; contents.

383.3 Certification of declaration of intention; photographs required.

383.4 Copies of Service records and information; fees.

383.5 Clerk of court; when authorized to certify naturalization records.

§ 383.1 *Application for certification of records; form.* Application shall be made on Form N-585 to the Commissioner for certification of a naturalization record of any court, or of any part thereof, or of any certificate of naturalization or of citizenship, for use in complying with any statute, Federal or State, or in any judicial proceeding. The applicant shall fill out properly, sign, make oath to, and forward the application to the Commissioner of Immigration and Naturalization, Washington, D. C.* (Nationality Act of 1940, secs. 341 (e) and 342 (b) (9), 54 Stat. 1161, 1162)

*§§ 383.1 to 383.5, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 383.2 *Application for certification of records; contents.* If the certification referred to in § 383.1 is desired for use in complying with a statute, the date and citation of the statute concerned shall be stated in the application. If it be desired for use in a judicial proceeding, the application shall set forth the title and character of the proceeding and the court in which it is pending, and shall be accompanied by an order of such court requesting the Commissioner to supply the certification. The application shall state the title and address of the officer to whom, or the court to which, the certification should be sent.* (Nationality Act of 1940, secs. 341 (e) and 342 (b) (9), 54 Stat. 1161, 1162)

§ 383.3 *Certification of declaration of intention; photographs required.* If the application on Form N-585 is for certification of a declaration of intention in lieu of one filed with a petition for naturalization, the application shall be accompanied by three photographs of the applicant as prescribed in Part 364.* (Nationality Act of 1940, secs. 341 (e) and 342 (b) (9), 54 Stat. 1161, 1162)

§ 383.4 *Copies of Service records and information; fees.* Except where otherwise provided by law or by regulation under this title, there shall be paid to the Commissioner of Immigration and Naturalization for furnishing any person or agency, other than an official or agency of the Federal Government, with copies, certified or uncertified, of any part of, or information from, the records of the Service, a fee of twenty-five cents per folio, with a minimum fee of fifty cents for any one such service, in addition to a fee of \$1 for any official certification furnished under seal. The minimum fee of fifty cents, or \$1.50 if a certification be desired, for each such service, shall accompany the application, and shall be in the form of a money order payable to the "Commissioner of Immigration and Naturalization, Washington, D. C." (Nationality Act of 1940, sec. 342 (b) (9), 54 Stat. 1162)

§ 383.5 *Clerk of court; when authorized to certify naturalization records.* No clerk of court shall make any certification of any naturalization record, except upon appropriate order of the court.* (Nationality Act of 1940, sec. 341 (e), 54 Stat. 1161)

PART 385—REVOCATION OF RECORDS CREATED AND OF NATURALIZATION AND CITIZENSHIP DOCUMENTS ISSUED BY THE COMMISSIONER

- Sec.
385.1 Report and notice.
385.2 Answer.
385.3 Findings and recommendations.
385.4 Criminal prosecution.

§ 385.1 *Report and notice.* If, at any time after a certificate of lawful entry has been issued under Part 362, or a certificate of naturalization has been issued under Part 378, or a certificate of derivative citizenship has been issued under Part 379, or a special certificate of naturalization has been issued under Part 380, or a new certificate in changed name or a new declaration of intention or a new certificate of naturalization or of citizenship has been issued under Part 382, evidence becomes available indicating that such record or document was obtained illegally or fraudulently, a complete report shall be promptly submitted to the Central Office by the appropriate district director, with comment and recommendation. If the Commissioner or a Deputy Commissioner is satisfied that a prima facie showing has been made that such record or document was obtained illegally or fraudulently, he shall cause such district director to have served personally or by registered mail written notice on the person to whom the docu-

ment was issued by the Commissioner or a Deputy Commissioner, at such person's last known address in the records of the Service, that a proceeding has been instituted to cancel the record or document, which notice shall contain a statement of the grounds upon which the proposed cancellation proceeding is based, and of the nature of the supporting evidence. Such notice shall state that not more than sixty days from the date of service of the notice the person to whom the record relates or to whom the document was issued must show cause, before a designated officer of the Service and at a place designated for such hearing, why such cancellation should not take place. The district director in whose district the proceedings shall take place shall have authority to extend the sixty-day period specified in the notice, but for not more than thirty additional days.* (Nationality Act of 1940, sec. 340, 54 Stat. 1160)

* §§ 385.1 to 385.4, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 385.2 *Answer.* The person against whom such proceeding has been brought may, within the time designated in § 385.1, submit his defense in writing under oath or affirmation. Upon receipt of such response, or answer, or upon expiration of the time allowed for showing good cause, the record shall be closed and forwarded to the Commissioner, accompanied by findings of fact, conclusions of law, and the recommendation of the officer assigned to hear or consider the case, together with the comment and recommendation of the district director.* (Nationality Act of 1940, sec. 340, 54 Stat. 1160)

§ 385.3 *Findings and recommendations.* The findings of fact, conclusions of law, and recommendation of the officer assigned to hear or consider the case, and the comment and recommendation of the district director shall, in case the person to whom the document was issued makes response or answer to the notice requiring him to show cause, be served upon him or his counsel, if any, in person or by registered mail, and the person to whom the record relates or the document was issued shall be given further notice in person or by registered mail that he has ten days from the date of receipt thereof within which to file a brief or to inform the Commissioner that he intends to present oral argument on the record. In the latter event he shall be informed of the time, place, and date when he may appear in person or through counsel to make such argument. If such notice is not received, or no brief is submitted within the time specified, the case shall proceed to final consideration. If the Commissioner finds that the record or document or both were procured illegally or through fraud, he shall cancel *ab initio* such record or document or both. Notice of such action shall be

given in person or by registered mail to the person proceeded against or his counsel, if any, at the last address of such person shown on the record of the cancellation proceeding, if a response or answer was made. Upon the cancellation of any such record or document, the person proceeded against or his counsel, if any, shall be requested in writing by registered mail to surrender any such document which may have been issued to the person proceeded against, for transmission to the Central Office. The cancellation of any such document issued by the Commissioner shall not affect the citizenship status of the individual to whom it was issued.* (Nationality Act of 1940, secs. 340 and 346 (a) (31), 54 Stat. 1160, 1167)

§ 385.4 *Criminal prosecution.* In case of the cancellation of any such record or document on the ground of illegal or fraudulent procurement, the material facts in regard thereto may be presented by the district director to the office of the appropriate United States Attorney for appropriate action under section 346 of the Nationality Act of 1940, if so directed by the Commissioner or a Deputy Commissioner.* (Nationality Act of 1940, secs. 340 and 346, 54 Stat. 1160, 1163.)

PART 387—FEES AND ACCOUNTING

- Sec.
387.1 Remittances covering fees; disposition; forms.
387.2 Transfer of fees to miscellaneous receipts of the Treasury; forms.
387.3 Refund of naturalization fees; forms.
387.4 Deposit of unclaimed moneys.
387.5 Claims for naturalization fees on deposit as outstanding liabilities.
387.6 Detailed accounting instructions.

§ 387.1 *Remittances covering fees; disposition; forms.* Remittances received by the Field Service covering fees for applications for certificates of arrival, copies of declarations or certificates of naturalization or of citizenship in lieu of ones lost, mutilated, or destroyed, certificates in changed name, and certificates of derivative citizenship, shall be scheduled on Standard Form 1044, Revised, by those field officers designated to issue receipts for such fees on Forms N-20, N-21, and N-22, and forwarded daily to the Commissioner by registered mail, for deposit in an appropriate account available for transfer to miscellaneous receipts of the Treasury, for refund, or for transfer to a trust account as outstanding liabilities.* (Nationality Act of 1940, sec. 342 (b) (g), 54 Stat. 1161, 1162)

* §§ 387.1 to 387.6, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 387.2 *Transfer of fees to miscellaneous receipts of the Treasury; forms.* (a) On the 1st day of each month, if practicable, and in any event not later than five days thereafter, those officers charged with the duty of accounting for

naturalization fees collected by the Field Service shall schedule, by application numbers, on Standard Form 1046, Revised, those fees in connection with which certificates of arrival have been issued during the preceding month and forward such schedules to the Commissioner by registered mail, for necessary action in effecting deposit of the fees so scheduled to miscellaneous receipts of the Treasury.

(b) The transfer of fees for duplicate copies of declarations of intention and certificates of naturalization or of citizenship issued in lieu of ones lost, mutilated, or destroyed, certificates in changed name, and certificates of derivative citizenship, shall be effected by the Commissioner after investigation of such cases and upon approval by the Field Service of the relevant applications on Forms N-565, N-575, and N-635, respectively.* (Nationality Act of 1940, sec. 342 (b) (g), 54 Stat. 1161, 1162)

§ 387.3 *Refund of naturalization fees; forms.* (a) When it has been definitely determined that fees for certificates of arrival which are on deposit are not due the United States, such fees shall be vouchered, by application numbers, on Form N-29, and transmitted (in triplicate), by registered mail, to the Commissioner for payment.

(b) In those cases where fees for certificates of arrival on deposit are due for refund, and the whereabouts of the applicants have become unknown, recommendation shall be made on Form N-28 for the transfer of such fees into an appropriate account of the Treasury as outstanding liabilities in favor of the remitters and forwarded to the Commissioner for appropriate action.* (Nationality Act of 1940, sec. 342 (b) (g), 54 Stat. 1161, 1162)

§ 387.4 *Deposit of unclaimed moneys.* Where remittances are received which cannot be accepted for deposit because of incomplete or invalid applications, or for other reasons, and cannot be returned to the remitters because their whereabouts are unknown, such remittances shall be forwarded to the Commissioner for deposit as outstanding liabilities in favor of the remitters, or other disposition, pending the receipt of claims from the remitters or other legal claimants.* (Nationality Act of 1940, sec. 342 (b), 54 Stat. 1161)

§ 387.5 *Claims for naturalization fees on deposit as outstanding liabilities.* Naturalization fees on deposit as outstanding liabilities in favor of remitters may be refunded upon proper claim over the applicants' autograph signatures. Claims of this nature shall be addressed to the General Accounting Office, Claims Division, Washington, D. C., and referred

to the Commissioner for administrative adjudication, within such time as it may be necessary for them to reach the General Accounting Office within ten full years after the dates such claims first accrued, in accordance with the provisions of the Act approved October 9, 1940.* (Nationality Act of 1940, sec. 342 (b) (g), 54 Stat. 1161, 1162; Public No. 820, 76th Congress)

§ 387.6 *Detailed accounting instructions.* The instructions contained in this Part shall be carried out in accordance with prevailing accounting procedures as promulgated by the Commissioner.* (Nationality Act of 1940, secs. 327 (a) (b), 54 Stat. 1150, 1151)

The foregoing regulations issued in aid of the enforcement of the Nationality Act of 1940 do not comprise the entire body of the regulations which will be issued under that Act, nor the entire content of Subchapter D, Chapter I, Title 8, Code of Federal Regulations. Necessary additions will be published hereafter.

[SEAL] LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney
General in Charge Immigration
and Naturalization Service.

Approved:

ROBERT H. JACKSON,
Attorney General.

[F. R. Doc. 41-247; Filed, January 10, 1941;
1:07 p. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS AUTHORITY

[Amendment 89, Civil Air Regulations]

PART 40—AIR CARRIER OPERATING CERTIFICATION (INTERSTATE)

REVISING THE RADIO EQUIPMENT REQUIRED
FOR THE CERTIFICATION OF AN AIR CARRIER
FOR THE CARRIAGE OF GOODS IN AIR TRANSPORTATION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 7th day of January 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 (a), and 604 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective January 7, 1941, Part 40, as amended, of the Civil Air Regulations is amended as follows:

(1) By amending § 40.305 to read as follows:

§ 40.305 *Radio facilities.* Applicant shall show an adequate two-way ground-to-aircraft communication system which, under normal operating conditions, shall be capable of maintaining communication with all aircraft of the applicant in flight over the proposed regular or alternate route.

(2) By amending § 40.315 to read as follows:

§ 40.315 *Radio facilities.* Same as in § 40.305.

(3) By amending § 40.335 to read as follows:

§ 40.335 *Radio equipment.* Applicant shall show that each aircraft is equipped with a type certificated two-way radio telephone system having sufficient power to permit communication under normal operating conditions with at least one ground station used or to be used by the applicant on the regular or alternate route. Such system shall be capable of:

(a) communication with other aircraft of the applicant in flight, and

(b) satisfactorily receiving radio range signals and weather broadcasts. Such system shall also include a type certificated audio filter system with suitable switching arrangement to be used in connection with the reception of simultaneous range and voice broadcast if the airway or route to be traversed is equipped with simultaneous type radio range stations.

(4) By amending § 40.345 to read as follows:

40.345 *Radio equipment.* Same as in § 40.335.

By the Civil Aeronautics Board:

[SEAL] THOMAS G. EARLY,
Secretary.

[F. R. Doc. 41-230; Filed, January 10, 1941;
9:22 a. m.]

[Amendment 90, Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

PERMITTING PARACHUTES PACKED BY PERSONNEL OF THE MILITARY SERVICES TO BE CARRIED IN A MANNER ACCESSIBLE FOR EMERGENCY USE

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 7th day of January, 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the

provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective February 10, 1941, the Civil Air Regulations are amended as follows:
 § 60.36 *Parachutes.* No parachute shall be carried in a civil aircraft of the United States in a manner available for emergency use unless within the preceding 60 days it has been packed by a person certificated for that purpose in accordance with the Civil Air Regulations or by personnel of the Army, Navy, Marine Corps or Coast Guard whose regular duty is to pack parachutes for use in such services.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
 Secretary.

[F. R. Doc. 41-231; Filed, January 10, 1941;
 9:22 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4346]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF WALTON TRAINING BUREAU

§ 3.6 (m) *Advertising falsely or misleadingly—Jobs and employment:* § 3.6 (y10) *Advertising falsely or misleadingly—Scientific or other relevant facts.* Representing, in connection with offer, etc., in commerce, of respondent's courses of study and instruction, (1) that positions in the United States Government are immediately available, or (2) that Civil Service examinations will be held frequently, or (3) that the starting salaries for any position so advertised are greater than they are in fact, or (4) that the positions named in respondent's advertisements, or any other positions in the United States Government, are immediately available to respondent's students, unless the Civil Service is accepting applications for such positions, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Walton Training Bureau, Docket 4346, December 26, 1940]

§ 3.6 (a) (9.5) *Advertising falsely or misleadingly—Business status, advantages or connections—Government connection:* § 3.6 (a) (25) *Advertising falsely or misleadingly—Business status, advantages or connections—Qualifications:* § 3.6 (a) (31) *Advertising falsely or misleadingly—Business status, advantages or connections—Unique status or advantages:* § 3.6 (j) (1) *Advertising falsely or misleadingly—Government approval, connection of standards—Civil Service Commission connections.* Representing, in connection with offer, etc., in

commerce, of respondent's courses of study and instruction, that respondent can secure positions for students of his courses, or has any control over appointments to positions under the United States Government, or is in a position to secure appointments with the United States Government, or that respondent obtains information from the Civil Service Commission with respect to examinations being held which is not available to students, or that respondent is connected with the United States Government or the United States Civil Service, or that respondent has had experience in preparing applicants for Civil Service examination or in qualifying applicants for such examination, or has information with respect to dates and locations of Civil Service examinations which is not available to the public generally, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Walton Training Bureau, Docket 4346, December 26, 1940]

§ 3.6 (a) (20) *Advertising falsely or misleadingly—Business status, advantages or connections—Personnel or staff:* § 3.6 (j10) *Advertising falsely or misleadingly—History of product or offering.* Representing, in connection with offer, etc., in commerce, of respondent process courses of study and instruction, that qualified instructors grade and mark examination papers, or that the courses offered by respondent have been assembled after a thorough analysis of past examinations have been made by competent experts, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Walton Training Bureau, Docket 4346, December 26, 1940]

In the Matter of Milton S. Long, an individual, trading as Walton Training Bureau

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 26th day of December, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Milton S. Long, individually or when trading under the name and style of Walton Training Bureau, or under any other name and style, in connection with the

* 5 F.R. 4792.

offering for sale, sale and distribution of his courses of study and instruction in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that positions in the United States Government are immediately available;

(2) Representing that he can secure positions for students of his courses, or representing he has any control over appointments to positions under the United States Government, or that he is in a position to secure appointments with the United States Government;

(3) Representing that Civil Service examinations will be held frequently;

(4) Representing that the starting salaries for any position so advertised are greater than they are in fact;

(5) Representing that he obtains information from the Civil Service Commission with respect to examinations being held which is not available to students;

(6) Representing that qualified instructors grade and mark examination papers, or that the courses offered by him have been assembled after a thorough analysis of past examinations have been made by competent experts;

(7) Representing that he is connected with the United States Government or the United States Civil Service;

(8) Representing that the positions named in his advertisements, or any other positions in the United States Government, are immediately available to his students, unless the Civil Service is accepting applications for such positions;

(9) Representing that he has had experience in preparing applicants for Civil Service examination or that he has had experience in qualifying applicants for such examination;

(10) Representing that he has information with respect to dates and location of Civil Service examinations which is not available to the public generally.

It is further ordered, That respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
 Secretary.

[F. R. Doc. 41-235; Filed, January 10, 1941;
 10:59 a. m.]

[Docket No. 3389]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF HALL & RUCKEL, INC.

§ 3.6 (1) *Advertising falsely or misleadingly—Indorsements and testimonials:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of*

product: § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.18 *Claiming endorsements or testimonials falsely.* Representing, in connection with offer, etc., in commerce, of respondent's "X-Bazin" or other substantially similar preparation, that said product is not caustic and is in all cases entirely safe or harmless, and has been endorsed or recommended by scientists or physicians, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Hall & Ruckel, Inc., Docket 3389, December 27, 1940]

§ 3.6 (a10) *Advertising falsely or misleadingly—Comparative data or merits:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondent's "X-Bazin" or other substantially similar preparation, that said product discourages the growth of hair, or delays the appearance of hair for any substantial period of time, or that the hair is appreciably slower in returning or regrowing after the use of respondent's product than when the hair is shaved or otherwise removed, or that hair returning or regrowing after the use of respondent's product is softer or less coarse than the hair returning or regrowing after shaving, or that the results obtained from the use of said product differ essentially from the results obtained from the use of other methods of hair removal, or that said product permanently eradicates hair, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Hall & Ruckel, Inc., Docket 3389, December 27, 1940]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of December, A. D. 1940.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein, and oral argument, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Hall & Ruckel, Inc., a corporation, its

officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its product designated "X-Bazin", or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing:

- (1) That said product is not caustic;
- (2) That said product is in all cases entirely safe or harmless;
- (3) That said product discourages the growth of hair, or delays the appearance of hair for any substantial period of time, or that the hair is appreciably slower in returning or regrowing after the use of respondent's product than when the hair is shaved or otherwise removed;
- (4) That the hair returning or regrowing after the use of respondent's product is softer or less coarse than the hair returning or regrowing after shaving;
- (5) That the results obtained from the use of said product differ essentially from the results obtained from the use of other methods of hair removal;
- (6) That said product permanently eradicates hair;
- (7) That said product has been endorsed or recommended by scientists or physicians.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-234; Filed, January 10, 1941;
10:59 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—COUNCIL OF NATIONAL DEFENSE

ORDER OF THE COUNCIL OF NATIONAL DEFENSE REVOKING AN ORDER CREATING THE OFFICE FOR THE COORDINATION OF NATIONAL DEFENSE PURCHASES

The Order of the Council of National Defense heretofore approved on June

27, 1940,¹ establishing the Office for the Coordination of National Defense Purchases and Appointing a Coordinator of National Defense Purchases is hereby revoked. All records of the said Board shall be made available to the Executive Office of the President, to the end that any unfinished business may be taken over and carried on in that Office. This Order shall take effect when approved by the President.

HENRY L. STIMSON,
Secretary of War.

FRANK KNOX,
Secretary of the Navy.

E. K. BURLEW,
Acting Secretary of the Interior.

PAUL H. APPLEBY,
Under Secretary of Agriculture.

JESSE H. JONES,
Secretary of Commerce.

FRANCES PERKINS,
Secretary of Labor.

Approved:

FRANKLIN D. ROOSEVELT
The White House.

JANUARY 7, 1941.

[F. R. Doc. 41-226; Filed, January 9, 1941;
3:52 p. m.]

ORDER OF THE COUNCIL OF NATIONAL DEFENSE REVOKING AN ORDER ESTABLISHING A PRIORITIES BOARD

The Order of the Council of National Defense heretofore approved on October 18, 1940, establishing a Priorities Board is hereby revoked. All records of the said Board shall be made available to the Executive Office of the President, to the end that any unfinished business may be taken over and carried on in that Office. This Order shall take effect when approved by the President.

HENRY L. STIMSON,
Secretary of War.

FRANK KNOX,
Secretary of the Navy.

E. K. BURLEW,
Acting Secretary of the Interior.

PAUL H. APPLEBY,
Under Secretary of Agriculture.

JESSE H. JONES,
Secretary of Commerce.

FRANCES PERKINS,
Secretary of Labor.

Approved:

FRANKLIN D. ROOSEVELT
The White House.

JANUARY 7, 1941.

[F. R. Doc. 41-227; Filed, January 9, 1941;
3:52 p. m.]

¹ 5 F.R. 2446.

¹ 3 F.R. 1544.

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE
INSPECTION AND NAVIGATION

(Order No. 74)

SUBCHAPTER N—EXPLOSIVES OR OTHER
DANGEROUS ARTICLES OR SUBSTANCES, AND
COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Pursuant to the authority vested in the Secretary of Commerce by section 4472 of the Revised Statutes, as amended (Act of October 9, 1940, Public 809—76th Congress; 54 Stat. 1023), and after publication of proposed regulations and due notice of and the holding of a public hearing with respect thereto, as required by said act, the following regulations for the safe carriage of explosives or other dangerous articles or substances and combustible liquids on board vessels are hereby made, established, and promulgated.

PART 146—TRANSPORTATION OR STORAGE OF
EXPLOSIVES OR OTHER DANGEROUS ARTI-
CLES OR SUBSTANCES, AND COMBUSTIBLE
LIQUIDS ON BOARD VESSELS

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PREFACE

§ 146.01-1 *Purpose of regulations.* The purpose of the regulations in this part is to promote safety in the handling, stowage, storage and transportation of explosives or other dangerous articles or substances, and combustible liquids, as defined herein, on board vessels on any navigable waters within the limits of the

jurisdiction of the United States including its territories and possessions excepting only the Panama Canal Zone and the Philippine Islands, and to make more effective the provisions of the International Convention for Safety of Life at Sea, 1929, relative to the carriage of dangerous goods.*

* §§ 146.01-1 to 146.27-100, inclusive, issued under the authority contained in R.S. 4472, as amended, Act of Oct. 9, 1940, Pub. 809, 76th Cong.; 54 Stat. 1023.

§ 146.01-2 *Source of regulations.* The Secretary of Commerce shall by regulation define, describe, name and classify all explosives or other dangerous articles or substances, and combustible liquids and shall establish such regulations as may be necessary to make effective the purpose intended.*

§ 146.01-3 *Plan of regulations.* Regulations setting forth general requirements covering the transportation of explosives or other dangerous articles or substances, and combustible liquids will be found in §§ 146.01-1—146.10-50. Regulations setting forth detailed requirements applicable to individual substances will be found under their particular classification in §§ 146.20-1—146.27-100.*

§ 146.01-4 *Classifications.* Explosives or other dangerous articles or substances, and combustible liquids are classified in the regulations in this part according to their principal characteristics and properties as follows:

Explosives:

Class A—Dangerous Explosives.
Class B—Less Dangerous Explosives.
Class C—Relatively Safe Explosives.

Inflammable Liquids.

Inflammable Solids and Oxidizing Materials.

Corrosive Liquids.

Compressed Gases.

Poisons:

Extremely Dangerous Poison, Class A.
Less Dangerous Poison, Class B.
Tear Gases or Irritating Substances, Class C.
Combustible Liquids.
Hazardous Articles.*

§ 146.01-5 *Changes in regulations.* Changes in regulations usually result from the development of new information, altered conditions, improvement in manufacture, or modernized commercial practices. Proposals for changes will be considered by the Secretary of Commerce on his own motion or upon a request submitted by any carrier interest, by industry, or other interested party.*

§ 146.01-6 *Provision for notice and public hearing.* Additions, alterations, amendments or repeals of any of the regulations in this part except in an emergency, shall be published and public hearings with respect thereto shall be held on such notice as the Secretary of Commerce deems advisable under the circumstances. Any additions, alterations, amendments or repeals shall, unless a shorter time is authorized by the Secretary of Commerce, take effect ninety (90) days after their promulgation.*

§ 146.01-7 *Inflammable or combustible liquids in bulk.* Nothing in the regulations in this part shall be construed as af-

fecting the transportation of inflammable or combustible liquids in bulk, such transportation being governed by the regulations promulgated under the provisions of Section 4417a of the Revised Statutes, as amended (46 U.S.C. 391a).*

§ 146.01-8 *Effective date of regulations.* The regulations in this part shall become effective on and after April 9, 1941.*

§ 146.01-9 *Supersedes existing rulings.* All rulings in existence on the effective date of the regulations in this part regarding transportation, packing, marking, labeling or storage, as cargo, of explosives or other dangerous articles or substances, and combustible liquids, on board vessels as promulgated by the office of the Director of the Bureau of Marine Inspection and Navigation are superseded by the regulations in this part; except nothing in this provision shall be construed as affecting the transportation of inflammable or combustible liquids in bulk under the provisions of section 4417a of the Revised Statutes, as amended (46 U.S.C. 391a).*

§ 146.01-10 *Supersedes existing regulations.* General Rules and Regulations in existence on the effective date of the regulations in this part regarding the transportation, packing or stowage, as cargo, on board passenger vessels of hay, straw, baled cotton, baled hemp, or other inflammable material, and refined petroleum having a flashpoint of not less than 110° F., lubricating oils, kerosene or other illuminating oils as promulgated by the Board of Supervising Inspectors of the Bureau of Marine Inspection and Navigation are superseded by the regulations in this part.*

§ 146.01-11 *Other requirements under Title 52.* Nothing contained in the regulations in this part shall be construed as relieving any vessel subject to the provisions of the regulations in this part from any other of the requirements of Title 52 (Secs. 4399 to 4500, inclusive) of the Revised Statutes or acts amendatory or supplementary thereto and regulations thereunder applicable to such vessel, which are not inconsistent herewith.*

§ 146.01-12 *Local regulations.* Nothing in the regulations in this part shall be construed as preventing the enforcement of reasonable local regulations, now in effect or hereafter adopted, when such regulations are not inconsistent or in conflict with the provisions of the regulations in this part.*

GENERAL REGULATIONS

§ 146.02-1 *Scope of regulations.* (a) The regulations in this part define explosives or other dangerous articles or substances, and combustible liquids for purposes of safety in transportation or storage on board vessels;

(b) Set forth the requirements that shall be observed in the preparation and packing of explosives or other dangerous articles or substances, and combustible liquids for shipment or storage on board vessels;

(c) Set forth the descriptive name, shipping name, requirements relative to certification, containers, marking, labeling, information required on bills of lading or other shipping papers, manifests or cargo stowage plans;

(d) Set forth the provisions under which permitted explosives or other dangerous articles or substances, and combustible liquids within the scope of the definitions given herein, may be accepted, handled, stored, stowed, or transported on board vessels, and with respect to rejection and report of faulty containers and the disposition of any explosives or other dangerous articles or substances, and combustible liquids found to be in an unsafe condition when on board a vessel;

(e) Establish such other requirements as may be necessary to make effective the purposes of R.S. 4472, as amended.*

§ 146.02-2 *Application to vessels.* The regulations in this part apply to all vessels, domestic or foreign, regardless of character, tonnage, size, service and whether self-propelled or not, whether arriving or departing, or under way, moored, anchored, aground, or while in drydock to the extent and in the manner indicated herein.

(a) The regulations in this part shall not apply to any public vessel which is not engaged in commercial service.

(b) The regulations in this part shall not apply to any vessel subject to the provisions of R.S. 4417a, as amended, which is constructed or converted for the principal purpose of carrying inflammable or combustible liquid cargo in bulk in its own tanks, except such vessel shall be subject to the provisions of R.S. 4472, as amended, with respect to explosives prohibited to be transported, stored, or stowed on board any vessel.

(c) Regulations with respect to explosives prohibited by subsection 3, of R.S. 4472, as amended, apply to all vessels.

(d) Regulations with respect to the transportation, storage, or stowage of high explosives on board passenger vessels apply to all vessels defined as "Passenger Vessels" in § 146.03-36.

(e) Regulations with respect to the transportation, storage or stowage of high explosives on board vessels, other than passenger-carrying vessels, apply to all vessels defined as "Barges" or "Cargo Vessels" in § 146.03-36.

(f) Regulations with respect to the transportation, storage or stowage of explosives (other than high explosives) or other dangerous articles or substances apply to all vessels, except vessels specifically exempted from such regulations by the provisions of R.S. 4472, as amended, or vessels that are, or may be, specifically exempted by the regulations in this part. Vessels specifically exempted by R.S. 4472, as amended, are:

(1) Vessels not exceeding fifteen (15) gross tons when not engaged in carrying passengers for hire;

(2) Vessels used exclusively for pleasure;

(3) Vessels, not exceeding five hundred (500) gross tons while engaged in the fisheries;

(4) Tugs or towing vessels, except as to fire prevention and extinguishing requirements provided for by subsection 6 (b) (4) of R.S. 4472, as amended;

(5) Cable vessels, dredges, elevator vessels, fireboats, ice-breakers, pile drivers, pilot boats, welding vessels, salvage and wrecking vessels.

(g) Inflammable or combustible liquid cargo in bulk is also exempt from the regulations in this part: *Provided, however,* That the handling and stowage of such liquid cargo in bulk, on board vessels to which the regulations in this part may apply, shall be subject to the provisions of section 4417a of the Revised Statutes, as amended.

(h) Regulations with respect to the transportation, storage, or stowage of combustible liquids packed in barrels, drums, or other packages apply only to passenger vessels.*

§ 146.02-3 *Application to shippers.* Regulations with respect to definitions, descriptive name, shipping name, packing, marking, authorized containers, labeling and certification of shipments of explosives or other dangerous articles or substances, and combustible liquids, apply to all shippers offering such articles or substances for transportation or storage on board vessels to which the regulations in this part apply.*

§ 146.02-4 *Application to others.* The provisions of the regulations in this part, insofar as applicable to them respectively, are binding upon owners, charterers, agents, masters, or persons in charge of vessels subject to these regulations and upon all other persons transporting, carrying, conveying, handling, storing or stowing on board such vessels any explosives or other dangerous articles or substances, and combustible liquids.*

§ 146.02-5 *Compliance.* The applicable provisions of the regulations in this part shall be observed by: (a) All vessels, domestic or foreign, subject to the regulations in this part, and the owners, charterers, agents, masters or persons in charge of such vessels;

(b) Railway or highway carriers and their operators, owners, agents or representatives when vehicles operated by such carriers and loaded with explosives or other dangerous articles or substances, and combustible liquids are offered for transportation or enter on board a vessel;

(c) All shippers, their agents or other persons offering explosives or other dangerous articles or substances, and combustible liquids for transportation on board vessels;

(d) All persons engaged in the acceptance, handling, stowage, storage or transportation of explosives or other dangerous articles or substances, and combustible liquids on board vessels;

(e) All shippers or carriers of explosives or other dangerous articles or substances, and combustible liquids shall instruct their employees relative to the provisions of the regulations in this part.*

§ 146.02-6 *Enforcement.* (a) The provisions of R.S. 4472, as amended, and the regulations prescribed herein, shall be enforced primarily by the Bureau of Marine Inspection and Navigation of the Department of Commerce and the Coast Guard of the Department of the Treasury. Enforcement officers may at any time and at any place within the jurisdiction of the United States board any vessel for the purpose of enforcing the provisions of the regulations in this part.

(b) An officer of the Coast Guard designated by the Secretary of the Treasury as captain of the port, or to perform the duties of the captain of the port, is hereby empowered to enforce the regulations in this part. If the captain of the port, or the officer designated to perform the duties of the captain of the port, finds that any explosives or other dangerous articles or substances, and combustible liquids are being handled, stored, stowed, carried or transported in violation of the statute or of the regulations in this part such officer may stop such operation or require such corrective action as he may deem necessary to effect the purposes of the statute and compliance with the regulations.

(c) Any collector of customs may, when possessing knowledge that a vessel is violating any provisions of the statute or regulations established thereunder, by written order served on the master, person in charge of such vessel, or the owner or charterer thereof, or the agent of the owner or charterer, detain such vessel until such time as the provisions of the statute and the regulations in this part have been complied with. The master, person in charge or owner or charterer, or the agent of the owner or charterer of a vessel so detained may, within five days, appeal to the Secretary of Commerce who may, after investigation, affirm, set aside, or modify the order of the collector.*

§ 146.02-7 *Military or naval forces.* The provisions of the regulations in this part shall not be construed to prevent the transportation of military or naval forces with their accompanying munitions of war and stores.*

§ 146.02-8 *U. S. War or Navy Department shipments.* Shipments of explosives or other dangerous articles or substances by, for, or to the War or Navy Departments of the United States government shall be packed, including limitations of weight, in accordance with the Interstate Commerce Commission regulations for the transportation of explosives or other dangerous articles in effect at time of shipment, unless special packing is required by specific directions of the War or Navy Departments. Such shipments may be accepted for transportation under either method of packing.*

§ 146.02-9 *Canadian shipments.* Shipments of explosives or other dangerous articles or substances, as defined herein, which are packed, marked and labeled in conformity with the regulations of the Board of Transport Commissioners for Canada, may be accepted and transported on board vessels within the navigable waters of the United States provided their acceptance and stowage on board the vessel is in accordance with the regulations in this part for the substances involved and provided further that the bill of lading or other shipping paper carries the certifying statement of the shipper that the goods are packed, marked and labeled in accordance with the regulations of the Board of Transport Commissioners for Canada.*

§ 146.02-10 *Export shipments.* Shipments to a foreign country may be accepted for transportation when packed, marked, labeled and described in accordance with the regulations of the country of destination. The bill of lading or other shipping paper shall identify such shipments by the shipping name shown in the regulations in this part for the particular substance and also shall certify that the packing, marking and labeling is in accordance with the foreign regulations and identify by title or otherwise such foreign regulations. Markings on export packages may be in the language of the country of destination. Labels as prescribed in the regulations in this part shall be affixed or printed or stamped upon such export packages when offered for transportation in lots of one hundred (100) or less packages. Stowage on board a vessel shall be in accordance with the regulations in this part as applicable to the particular character of vessel.*

§ 146.02-11 *Import shipments.* (a) Import shipments of explosives or other dangerous articles destined upon arrival at domestic ports for further transportation, in original containers, by common carrier by rail, or by common or contract carrier by motor vehicle, shall comply with the Interstate Commerce Commission regulations for the transportation of explosives and other dangerous articles in effect at the time of shipment. The importer shall furnish with the order to the foreign shipper, and also to the forwarding agent at the port of entry, full and complete information as to packing, marking, labeling and other requirements as prescribed by the Interstate Commerce Commission regulations. (See § 146.05-14)

(b) Import shipments of explosives and other dangerous articles, and combustible liquids accepted for transportation in a foreign port in outside metal or wooden barrels or drums not exceeding 110 gallons capacity, wooden boxes not exceeding 300 pounds weight of box and contents, or fiberboard boxes not exceeding 65 pounds weight of box and contents, which upon arrival at domestic ports are not destined for transporta-

tion in these original import containers by common carrier by rail or common or contract carrier by motor vehicle may be accepted on board vessels provided the shipper certified upon the bill of lading or other shipping paper that the container is in conformity with the regulations of the country of origin. If the country of origin has no regulations governing the transportation by vessel of the explosives and dangerous substances involved, the shipper shall certify that the container is so constructed as to maintain its complete integrity under all conditions likely to be encountered during transportation. The master of the vessel, before accepting such import shipments, shall satisfy himself that the containers are sufficiently strong to stand, without rupture or leakage of contents, all risks ordinarily incident to transportation.

(c) Stowage of import shipments on board vessels shall be in accordance with the provisions of the regulations in this part.*

§ 146.02-12 *Inspection of cargo.* (a) On all vessels, other than barges and magazine vessels storing explosives, an inspection of cargoes of explosives or other dangerous articles or substances shall be ordered by the master of the vessel during a voyage to insure that such cargo is carried with safety and that no damage caused by shifting cargo, spontaneous heating, leaking or sifting of containers or from other causes has been sustained since loading and stowage. On such vessels that have dangerous cargo stowed on board for a period exceeding twenty-four (24) hours temperature readings shall be taken at proper intervals and such temperatures recorded and retained as a record for each voyage. When any cargo is discovered to be in a dangerous condition from leakage, sifting, heating, wetting or other causes, such condition shall be corrected in such manner as the judgment of the master may dictate. All unusual circumstances divulged during inspection of dangerous cargo and any action taken as a result thereof shall be a subject for log entry.

(b) On all barges an inspection of the cargo shall be made by the person responsible to the owner, charterer or agent who is in charge of loading and stowing the cargo on board the barge after the stowage has been completed to insure that such stowage has been properly accomplished and that there are no visible signs of damage to any of the containers or apparent evidence of heating, leaking or sifting of containers or escape of any of the contents of the containers.

(c) On all magazine vessels storing explosives an inspection of the cargo shall be made by the person in charge of the magazine vessel after the stowage has been completed to insure that such stowage has been properly accomplished and that there are no visible signs of

damage to any of the containers or apparent evidence of heating, leaking or sifting of containers or escape of any of the contents of the containers.

(d) When inspecting cargoes of dangerous articles capable of evolving inflammable vapors as required in (a), (b) and (c) any artificial means of illumination shall be of a vapor proof type.*

§ 146.02-13 *Report fires.* The Master of any ocean-going vessel having on board explosives or other dangerous articles or substances as cargo and about to enter a port of the United States shall make or cause to be made an inspection immediately prior to entering such port. If the inspection discloses the presence of fire or any other hazardous condition, such condition shall immediately be reported to the district commander of the United States Coast Guard having supervision over the port or place to which the vessel is bound and the master or person in charge of such vessel shall comply with the instructions given by the district commander as to the procedure to be followed in entering the port or place.*

§ 146.02-14 *Damaged containers.* (a) Any outside container that is sufficiently damaged as to permit the escape of the contents therein, or shows marks of having leaked, or the securing means give evidence of failure to properly contain the package, shall not be accepted on board any vessel for transportation or stowage, nor shall such damaged containers be on board any vessel entering the navigable waters of the United States except in accordance with the provisions of § 146.02-15.

(b) Any damaged outside container, as described in (a) when restored or repaired to the satisfaction of the owner or master of the vessel may be accepted. Special attention shall be given to containers of substances that are required by the regulations to be shipped "wet" to be certain that any escaped liquid is replaced before the restored container is accepted.

(c) Damaged, leaking or insecure outside containers which it is not feasible to restore shall be refused and promptly reported by the owner or master of the vessel to the nearest Board of Local Inspectors. This provision shall be complied with by all vessels to which the regulations in this part apply when upon the navigable waters of the United States.

(d) Containers of a particular type that frequently show damage, leakage or other failure shall also be reported to the Board of Local Inspectors for the district in which the cargo was laden. Such information as will assist in correcting faults of such containers should be included in the report.*

§ 146.02-15 *Emergency shipments.*

(a) In event of a casualty occurring to or on board a vessel involving explosives or other dangerous articles or substances on board the vessel as cargo, the master or

person in charge of the vessel is authorized to adopt such procedure as will, in his judgment, provide a maximum safety to the vessel, its passengers and crew. When such a casualty results in damaged containers or the emergency use of unauthorized containers, such containers upon arrival at a port shall not be offered to any forwarding carrier for transportation. The vessel, owner, agent, charterer, master or other person in charge of the vessel shall report immediately to the nearest Board of Local Inspectors and request instructions as to disposition of the damaged or unauthorized containers.

(b) Explosives or other dangerous articles or substances found on board a vessel in an unsafe condition may be disposed of by jettisoning or otherwise destroyed or rendered innocuous or may be continued in transportation to the nearest port whichever course may, in the judgment of the master or person in charge, provide maximum safety to the vessel, its passengers and crew. If such substance is brought into port, delivery shall not be made to the consignee or any forwarding carrier and a report shall immediately be made to the nearest Board of Local Inspectors with a request for instructions as to disposition of the substance. A report shall likewise be made covering the disposition by jettisoning or otherwise of dangerous substances.*

§ 146.02-16 *Shipments in violation.*

(a) Shipments of explosives or other dangerous articles or substances found by a vessel's owner, agent, charterer, master, or person in charge to have been tendered or delivered for transportation on board a vessel under a false or deceptive descriptive name, marking, invoice, shipping paper or other declaration, or without the shipper furnishing information in writing of the true character thereof at or before the time of delivery, shall be refused transportation and the Board of Local Inspectors for the district in which such cargo was offered shall promptly be notified, in writing, of all the facts in connection with such violation.

(b) When any such shipments are found in transit the master of the vessel is authorized to adopt such procedure as will in his judgment provide maximum safety to the vessel, its passengers and crew. If brought into port, delivery shall not be made to the consignee or any forwarding carrier and a report shall immediately be made to the nearest Board of Local Inspectors with a request for instructions as to disposition of the shipment.*

§ 146.02-17 *Handling and stowage of cargo.* Explosives or other dangerous articles or substances as cargo shall be handled or stowed on board vessels under the direction and observation of a qualified person assigned for such duty. For vessels engaged in voyages coastwise, or on rivers, bays, sounds or lakes, including the Great Lakes when the voyage is not foreign-going, such person may be an employee of the vessel owner or charterer

and so assigned by said owner or charterer or he may be a licensed officer attached to the vessel and assigned by the master of the vessel. For domestic vessels engaged in voyages foreign-going or intercoastal such person shall be an officer possessing an unexpired license issued by the Bureau of Marine Inspection and Navigation and assigned to such duty by the owner, charterer, agent or master of the vessel. For foreign vessels such person shall be an officer of the vessel assigned to such duty by the master of the vessel.*

§ 146.02-18 *Shipments via common carrier vessels.* (a) Regulations promulgated by the Interstate Commerce Commission under the title of "Regulations for the Transportation of Explosives and Other Dangerous Articles" in effect at the time of shipment with respect to definitions, descriptions, descriptive names and classifications of explosives, inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases and poisonous articles; and with respect to specifications of containers for such articles and with respect to the packing, marking, labeling and certification of such articles are adopted and form part of the regulations in this part and shall be complied with by all persons packing and preparing, and all shippers offering such articles for transportation by vessels that are common carriers: *Provided, however,* That the acceptance on board vessels of containers laden with such articles or bulk shipments of such articles shall comply with the provisions of the regulations in this part. Import or export shipments of such articles shall comply with the provisions of §§ 146.02-10 and 146.02-11.

(b) Shipments of combustible liquids or hazardous articles, when prepared, packed and offered for transportation by vessels that are common carrier vessels shall, with respect to definitions, descriptions, descriptive names and classifications, and with respect to containers for such articles or substances; and with respect to the packing, marking and certification of such articles or substances conform to the applicable provisions of the regulations contained herein. Import or export shipments of such articles or substances shall comply with the provisions of §§ 146.02-10 and 146.02-11.*

§ 146.02-19 *Shipments via vessels other than common carriers.* (a) Explosives or other dangerous articles or substances packed in barrels, drums, boxes, cylinders, carboys or bags and offered for transportation or storage on board vessels that are not common carrier vessels shall with respect to definitions, descriptions, descriptive names and classifications of explosives, inflammable liquids, oxidizing materials, corrosive liquids, compressed gases, and poisonous articles, and with respect to specifications of containers for such articles or substances, and with respect to the packing, marking, labeling and certification of

such articles or substances conform to the requirements of the regulations in effect at the time of shipment as promulgated by the Interstate Commerce Commission under the title of "Regulations for the Transportation of Explosives and Other Dangerous Articles" except as may be otherwise required by the regulations herein. Import or export shipments of such articles or substances shall comply with the provisions of §§ 146.02-10 and 146.02-11.

(b) Shipments of combustible liquids or hazardous articles, prepared, packed, and offered for transportation by vessels other than common carrier vessels, shall, with respect to definitions, descriptions, descriptive names and classifications; and with respect to containers for such articles or substances; and with respect to the packing, marking and certification of such articles or substances conform to the applicable provisions of the regulations contained herein.*

§ 146.02-20 *Repairs.* (a) A vessel having on board explosives or other dangerous articles of cargo shall not proceed to a ship repair plant or enter upon a dry-dock or marine railway, or otherwise undertake repairs except in compliance with the following conditions:

(1) No repairs, other than emergency repairs to the vessel's main propelling plant or auxiliaries thereto or the boilers or auxiliaries thereto, shall be undertaken while having on board any explosives as cargo.

(2) Repairs shall not be undertaken in holds after the discharge of any cargo of explosives until all precautions are taken to see that no residue of cargo is left to create a hazard.

(3) No repairs shall be undertaken in holds containing any other dangerous articles of cargo, nor shall any repairs be undertaken in compartments adjoining holds in which other dangerous articles of cargo are stowed except normal maintenance repairs to the vessel's main propelling or boiler plant or auxiliaries thereto including tail shaft and propeller.

(4) Before undertaking repairs in holds that have lately contained substances capable of giving off inflammable or explosive vapor, it is required that such holds be gas free.

(5) Repairs shall not be undertaken in holds that have lately contained cargo consisting of inflammable solids or oxidizing materials until all precautions are taken to see that no residue of cargo is left to create a hazard.

(b) None of the foregoing provisions shall apply to permitted articles of ships' stores and supplies of a dangerous nature although provisions shall be taken to afford safe storage and protection to such stores from any risk incident to the repair work.

(c) Emergency repairs, contrary to the provisions set forth above, may be undertaken when in the judgment of the master such repairs are necessary for the safety of the vessel, its passengers and crew.*

§ 146.02-21 *Statements of characteristic properties.* In the second column of the tables shown in §§ 146.20-100; 146.21-100; 146.22-100; 146.23-100; 146.24-100; 146.25-100; 146.26-100; and 146.27-100 are statements in italics setting forth certain characteristic properties of the substances listed therein. It is not intended that these statements set forth all the characteristic properties of a particular substance and such statements as are shown are informative only.*

§ 146.02-22 *Preservation of records.*

(a) Where the regulations in this part require the preparation of shipping orders, manifests, or other shipping documents, cargo lists, cargo stowage plans, reports and any other papers or records, it shall be the duty of the owner of the vessel to preserve such records or copies thereof in his office or place of business in the United States for a period of at least one year. Persons or corporations chartering or engaging or contracting for the use of vessels under such terms and conditions that they have full and exclusive control of the management and operating of such vessels shall be subject to the same requirement for preservation of records as are imposed upon owners of vessels by this section and in such cases the owners shall not be required to preserve such records.

(b) Any records required to be so preserved shall be produced to the Secretary of Commerce upon his request therefor.*

DEFINITIONS OF WORDS AND TERMS CONTAINED WITHIN THE REGULATIONS IN THIS PART

§ 146.03-1 *Board of Local Inspectors.* The term "Board of Local Inspectors" means the two Local Inspectors duly designated by the Bureau of Marine Inspection and Navigation.*

§ 146.03-2 *Board of Supervising Inspectors.* The term "Board of Supervising Inspectors" means the Board of Supervising Inspectors of the Bureau of Marine Inspection and Navigation, United States Department of Commerce.*

§ 146.03-3 *Bulk.* The word "Bulk" means substances which are loaded and carried on board a vessel without benefit of containers or wrappers, and received and delivered by the vessel carrier without mark or count: *Provided, however,* That this definition does not apply to initiating or priming explosives.*

§ 146.03-4 *Bureau.* The word "Bureau" means the Bureau of Marine Inspection and Navigation of the United States Department of Commerce.*

§ 146.03-5 *Cargo.* For the purposes of the regulations in this part "Cargo" is defined as any explosive or other dangerous article or substance, and combustible liquids, as defined within the regulations in this part, laden on board a vessel, with or without being confined within a container, for the purpose of transporting or storing such goods in the vessel.*

§ 146.03-6 *CFC.* The initials "CFC" refer to Consolidated Freight Classification.*

§ 146.03-7 *Character of vessel.* The term "Character of Vessel" means the type of service in which the vessel is engaged at the time of carriage of the explosives or other dangerous articles or substances subject to the regulations in this part, i. e., a cargo vessel, a passenger vessel, a ferry vessel, a railroad car ferry or a barge.

§ 146.03-8 *Dangerous articles defined.* A dangerous article within the meaning of the regulations in this part is an article falling within any of the following classifications:

Explosives.
Inflammable Liquids.
Inflammable Solids and Oxidizing Materials.
Corrosive Liquids.
Compressed Gases.
Poisons.
Hazardous Articles.
Ships' Stores and Supplies of a Dangerous Nature.

For definitions covering these classifications see the appropriate section within this part. These are §§ 146.20-1—146.20-4; §§ 146.21-1—146.21-2; §§ 146.22-1—146.22-3; §§ 146.23-1—146.23-2; §§ 146.24-1—146.24-2; §§ 146.25-1—146.25-5; §§ 146.27-1—146.27-2; and §§ 147.02-1—147.02-2. Combustible Liquids are defined in §§ 146.26-1—146.26-2.*

§ 146.03-9 *Director.* The word "Director" means the Director of the Bureau of Marine Inspection and Navigation, United States Department of Commerce.*

§ 146.03-10 *Explosive range.* The vapors of inflammable liquids (and to a lesser extent of combustible liquids) when mixed with air will in proper proportions form an explosive concentration. The low or "lean" limit and the high or "rich" limit vary in accordance with the characteristics of the liquid involved. The mixture or percent by volume between the "lean" and the "rich" mixtures is termed the "explosive range". Any percentage of the vapor in air between these limits will be likely, upon ignition, to continue to burn with rapidity and violence, sometimes with explosive effects.*

§ 146.03-11 *Finely divided metals.* The phrase "Finely Divided Metals" is used to describe metals that have been divided into small parts such as aluminum powder, bronze powder, metal cuttings or borings such as are produced in working metals.*

§ 146.03-12 *Finely divided organic material.* This phrase is used to describe organic material such as charcoal, peat moss, sugar, sulfur, sawdust, powdery materials such as flour, granular materials such as seeds, grains, and cereals, or like substances.*

§ 146.03-13 *Fire point.* The term "Fire Point" denotes the temperature at which the vapors given off by the substance, if ignited, will continue to burn. The fire point is generally higher than the flash point, although occasionally they coincide as in the case of ether, carbon disulfide, and a few other substances.*

§ 146.03-14 *Flashpoint.* The term "Flashpoint" means the temperature at

which the substance gives off inflammable vapors which in contact with spark or flame will ignite.*

§ 146.03-15 *Hermetically sealed.* The term "Hermetically sealed" means perfectly closed or closed airtight by, or as by, fusion, so that no gas nor vapor can enter or escape.*

§ 146.03-16 *Holds gas tight.* This term means that the structural boundaries of the hold are free of openings and constructed sufficiently tight to withstand a gas pressure not in excess of 1 pound per square inch. A hold that will withstand a hose test without breakage may be assumed as being gas tight. Cargo or other openings in the structural boundaries of such holds (except over deck cargo hatches) shall be provided with tight closing means. Cargo hatch openings in the over deck provided with hatch covers and tarpaulins are accepted as satisfactory closing means for such compartment or hold.*

§ 146.03-17 *ICC.* The initials "ICC" refer to Interstate Commerce Commission.*

§ 146.03-18 *ICC Regulations.* The term "ICC Regulations" when used in the regulations in this part refers to regulations of the Interstate Commerce Commission for the "Transportation of Explosives and Other Dangerous Articles" in effect at the time a shipment is moving and subject to the regulations in this part.*

§ 146.03-19 *Inside containers.* The following abbreviations when used in the tables indicate that the substance is packed in "Inside Containers" of the following descriptions:

"WIC" means With Inside Containers—which may be glass, earthenware, metal, or liners.

"WIL" means With Inside Liners.

"WIMC" means With Inside Metal Containers.

"WIML" means With Inside Metal Liners.

"WPL" means With Inside Paper Liners.*

§ 146.03-20 *Label.* The term "Label" means the caution label required by the regulations in this part and the regulations of the ICC to be affixed to outside containers of explosives or other dangerous articles or substances.*

§ 146.03-21 *Marking.* The term "Marking" refers to the descriptive name, instructions, cautions, weight data, or specification marks that are required by the regulations in this part and the regulations of the ICC to be placed upon outside containers of explosives or other dangerous articles or substances or combustible liquids.*

§ 146.03-22 *Miscible.* For the purpose of the regulations in this part the term "Miscible" is applied only to liquids, and means such liquids are capable of mixing freely, in many cases in all proportions, with water.*

§ 146.03-23 *Miscibility with water.* This term "Miscibility with Water" is shown in the regulations for the purpose of indicating the adaptability of water in volume in the event of ignition of the liquid.*

§ 146.03-24 *Navigable waters.* Where used in the regulations in this part the term "Navigable Waters" includes the navigable waters of the United States, its territories and possessions, but not the Navigable waters of the Panama Canal Zone or the Philippine Islands.*

§ 146.03-25 *N. O. S.* The abbreviation "N. O. S." means not otherwise specified by name in the regulations in this part.*

§ 146.03-26 *Not permitted.* The term "Not Permitted" means the dangerous articles or substances shall not be offered, placed on board, transported, or stored on a vessel subject to the regulations in this part, when the term is specifically applied in the regulations in this part to a particular substance or vessel.*

§ 146.03-27 *Outside containers.* The term "Outside Containers" means the outer over-all container which is authorized by the regulations in this part to be used for the packing of the particular substance. As a rule they are specification containers, but in some instances nonspecification outside containers are authorized.*

§ 146.03-28 *Prohibited.* The term "Prohibited" is applied to the Explosive Substances named and described in subsection (3) of R. S. 4472, as amended, and means such Explosive Substances shall not be offered to any vessel, placed on board, transported, or stored on board any vessel within the navigable waters of the United States.*

§ 146.03-29 *Shipping papers.* For definition of "Shipping Papers" see §§ 146.05-12, 146.05-13 and 146.05-14.*

§ 146.03-30 *Soluble.* For the purpose of the regulations in this part, the term "Soluble" means capable of being dissolved in water, forming homogeneous or uniform mixtures. (It is to be noted that some substances freely dissolve and other dissolve very slowly.)*

§ 146.03-31 *STC.* The term "STC" means the barrel or drum is a "Single Trip Container".*

§ 146.03-32 *Storage.* The term "Storage" as used in the regulations in this part means the placing of explosives or other dangerous articles or substances on board a vessel for purposes of safekeeping or accumulation, pending removal therefrom in whole or in part at a subsequent time; the process of "placing on board" and "removing therefrom" occurring without movement of the vessel being involved.*

§ 146.03-33 *Stowage.* For the purposes of the regulations in this part, the term "Stowage" embraces the art of placing and securing goods on board a vessel within the holds of the vessel, or on the decks, in such manner as to enhance safety during the period of transportation.*

§ 146.03-34 *Stowage terms defined.* For the purposes of the regulations in this part the following stowage terms are defined:

(a) *On deck in open* means the articles may be stowed on the open weather deck of a vessel. Such cargo may be protected

from the elements if necessary or advisable.

(b) *On deck protected* means the articles may be stowed on the open weather deck of a vessel. It is required that dangerous cargo stowed under such conditions shall be protected from the elements by structural erections or from the direct rays of the sun by means of awnings or dunnaging.

(c) *On deck under cover* means the articles may be stowed on the weather deck of a vessel under covered erections, such as forecastle, bridge house, poop, and deck houses, having permanent structural openings at the atmosphere, but no structural openings such as doors, hatches, companionways, or manholes to any living quarters, cargo carrying, or other compartments, unless such doors, hatches, companionways, or manholes are provided with hinged means for closing off and securing such openings. Stowage shall not be utilized in any deck house containing living quarters, a steering engine or refrigerating unit or refrigerated stowage boxes unless the areas occupied by such units are isolated from the stowage area by permanent and tight metallic division bulkheads.

(d) *Cargo hatch trunkway* means the articles may be stowed in a cargo hatch trunkway provided the trunk is constructed of steel without openings except such openings as are fitted with positive closing means: *Provided further,* That noncombustible hatch closing means, or combustible hatch covers metal lined all over, are fitted at the lower terminus of the trunk securely closing off the cargo hold from the trunkway. A cargo hatch trunkway the upper terminus of which is located in a tween deck space shall not be utilized for such stowage unless fitted with steel hatch covers and then only when such terminus is always visible and accessible during the voyage.

(e) *Tween decks readily accessible* means the articles may be stowed in upper cargo spaces below or off the weather deck, and so stowed as to be readily accessible from the cargo openings (but not in the square of the hatch if the latter is made up of wooden hatch covers) or in a shelter deck directly inboard of structural openings from the weather deck. A vessel having cargo carrying holds which extend from the tank top or lower flat to the weather deck and having no enclosed cargo stowage space imposed above such single holds may substitute "Under deck away from heat" in lieu of "Tween decks readily accessible" stowage.

(f) *Tween decks* means the articles may be stowed in an upper cargo space below or off the weather deck, or in a shelter deck space. Any openings in the bulkheads forming boundaries of such Tween deck spaces shall be fitted with positive closing means. Hatches shall be provided with a full complement of covers. After stowage of cargo all openings shall be closed and remain closed during the

voyage, except for such ingress and egress as is necessary in the operation of the vessel.

(g) *Under deck away from heat* means the articles may be stowed in a cargo space in a deep hold or a Tween Deck hold capable of being ventilated and not subject to heat from any artificial source. Holds of which any boundary bulkhead or deck forms part of the boundary of a boiler room, engine room, coal bunker, or galley shall not be utilized for this type of stowage unless the dangerous substances are stowed not less than twenty (20) feet away from such bulkheads: *Provided, however*, That this limitation shall not apply to cargo spaces in holds adjacent to the engine room of vessels fitted with internal combustion engines.

(h) *Under deck* means that the articles may be stowed in a cargo space in a deep hold or a Tween Deck hold capable of being ventilated. A hold is defined as an area allotted entirely to the carriage of cargo and is bounded by permanent steel bulkheads and decks, and the shell of the vessel, the deck openings being provided with means for effectively closing the hold against the weather, and in the case of superimposed holds, effectively closing off each hold. A cargo space or hold coming within the above definition shall not be used for the stowage of explosives (except fireworks or Relatively Safe—Class C—explosives) unless closed off to traffic while the vessel is on its voyage. A cargo space or hold containing a crew passage formed by battens or by a mesh or wire screen bulkhead shall not be used for stowage of other dangerous articles or substances, including fireworks and Relatively Safe Explosives—Class C, unless watchman service is provided for such areas.

(i) *Under deck but not overstowed* means the articles may be stowed in a cargo space in any hold as defined under (h), the characteristics of dangerous articles so stowed being such as to prevent the stowage of any other type of cargo over same.

(k) *Ferry stowage (AA)* means that a highway vehicle loaded with any permitted explosives or other dangerous articles or substances, or combustible liquids in conformity with all the applicable provisions of these regulations, may be transported on board a ferry vessel when stowed as directed by the vessel's representative. The vehicle need not be in a position to jettison but should be stowed as to be easily accessible.

(l) *Ferry stowage (BB)* means that a railroad vehicle loaded with any permitted explosives or other dangerous articles or substances or combustible liquids in conformity with all the appli-

cable provisions of the regulations in this part, may be transported on board a railroad car ferry when stowed in a location away from sources of artificial heat. The vehicle need not be in position to jettison but should be easily accessible. Railroad car ferries accepting highway vehicles loaded with any permitted dangerous substances indicated as utilizing "Ferry Stowage (AA)" shall stow such vehicle away from sources of artificial heat and easily accessible.*

§ 146.03-35 *Vapor density*. The term "Vapor Density" is the relative density of the vapor given off by an inflammable liquid as compared with air. A figure less than one (1) indicates a vapor lighter than air and a figure greater than one (1) indicates a vapor heavier than air.*

§ 146.03-36 *Vessels defined*. For the purposes of the regulations in this part passenger carrying vessels or passenger vessels, barges and cargo vessels are defined as follows:

(a) *Passenger carrying vessels or passenger vessels*. (1) A passenger carrying vessel or a passenger vessel is any vessel which carries passengers; provided that no vessel of the following classes shall be considered a passenger carrying vessel or a passenger vessel:

(i) Any vessel subject to any of the provisions of the International Convention for Safety of Life at Sea, 1929, which neither carries nor is authorized to carry more than twelve passengers.

(ii) Any cargo vessel documented under the laws of the United States and not subject to that Convention which neither carries nor is authorized to carry more than sixteen persons in addition to the crew.

(iii) Any cargo vessel of any foreign nation that extends reciprocal privileges and not subject to that Convention which neither carries nor is authorized to carry more than sixteen persons in addition to the crew.

(2) Any passenger vessel that is not designed and built to receive railroad vehicles shall be considered a passenger ferry if it is engaged in a ferry operation.

(3) Any passenger vessel that is designed and built to receive railroad vehicles shall be considered a railroad car ferry.

(b) *Barge*. Any non self-propelled vessel having no passengers on board, shall be considered a barge.

(c) *Cargo vessel*. (1) Any vessel other than a passenger vessel or a barge shall be considered a cargo vessel.

(2) Any passenger ferry or railroad car ferry shall be considered a cargo vessel during any period it is being operated under authority of a change of character certificate issued by a Board of Local Inspectors.*

§ 146.03-37 *Volatility*. The term "Volatility" is used to indicate the tendency of a liquid to assume the vapor state. The tendency of a liquid to evaporate is influenced by other factors than the vapor pressure. Increased volatility will result from the influence of a rise in temperature.*

§ 146.03-38 *W. T.* The abbreviation "W. T." means Watertight.*

LIST OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ARTICLES SUBJECT TO THE REGULATIONS IN THIS PART

§ 146.04-1 *Proper shipping name*. The proper shipping name which shall be used and shown on bill of lading or other shipping paper and on outside of shipping containers where required by the regulations in this part, appears in this list in roman type (not italics).*

§ 146.04-2 *Dangerous articles not named*. Any article not properly described by a name shown in this commodity list when such article classifies under the definitions contained herein as a dangerous article shall be prepared and offered for shipment in compliance with the regulations in this part.*

§ 146.04-3 *Classification*. This list shows the classification of each permitted article or substance. It also shows the articles or substances that are prohibited by the provisions of R. S. 4472; as amended, or that are not permitted by the regulations in this part, for transportation or storage on board vessels.*

§ 146.04-4 *Signs and abbreviations*. The meaning of the signs and abbreviations used in § 146.04-5 are as follows:

(*) Asterisk indicates the article may or may not come within the classification shown. If, in accordance with the definitions contained herein, the article does come within the classification it is subject to the regulations in this part.

Inf. L.....	Inflammable Liquid.
Inf. S.....	Inflammable Solid.
Oxy. M.....	Oxidizing Material.
Cor. L.....	Corrosive Liquid.
Inf. G.....	Inflammable Compressed Gas.
Noninf. G.....	Noninflammable Compressed Gas.
Pois. A.....	Poison Gas or Liquid, Class A.
Pois. B.....	Poisonous Liquid or Solid, Class B.
Tear G.....	Tear Gas, Class C.
Expl. A.....	Class A Explosives.
Expl. B.....	Class B Explosives.
Expl. C.....	Class C Explosives.
Comb. L.....	Combustible Liquid.
Haz.....	Hazardous Article.
Prohibited.....	Means prohibited by R. S. 4472, as amended.
Not permitted..	Means not permitted by the regulations in this part.
No restrictions..	Means this item is shown in the regulations only to distinguish it from articles under similar name that are classed as dangerous.

Article	Classed as	Label req.	Article	Classed as	Label req.
Bombs, explosive, gas, smoke, or incendiary. (See: "Explosive bombs.")			Charcoal, activated	Inf. S.	Yellow.
Bombs, fireworks. (See: "Fireworks.")			Charcoal, animal	Inf. S.	
Bombs, gas, smoke or incendiary nonexplosive. (See: "Chemical ammunition.")			Charcoal, bone	Inf. S.	
Bombs, sand-loaded or empty. (See: "Ammunition for cannon, non-explosive.")			Charcoal, briquets	Inf. S.	
Bone, chipped (heat treated)	Haz.		Charcoal, screenings, made from "pinon" wood	Inf. S.	
Boosters (explosive)	Pois. A		Charcoal, shavings, wet	Inf. S.	
Bordeaux arsenites, liquid	Pois. B	Poison.	Charcoal, wet	Not permitted.	
Bordeaux arsenites, solid	Pois. B	White.	Charcoal, wood	Inf. S.	Yellow.
Boron trifluoride	Cor. L	Green.	Charcoal, wood, lump	Not permitted.	
Bottles, acid or other corrosive liquid, empty	Noninf. G		Charcoal, wood, crushed, granulated, ground or pulverized	Inf. S.	
Box toe board (nitrocellulose base)	Haz.		Chemical ammunition (containing class A poisonous gases or liquids)	Pois. A.	
"Box toe gum"	Haz.		Chemical ammunition (containing class B poisons, liquids or gases)	Pois. B.	
Bromacetone, liquid	Comb. L		Chemical ammunition (containing class C poisons, liquids or gases)	Pois. C.	
Brombenzyl cyanide, liquid	Inf. L	Red.	Chemical ammunition, explosive. (See: Ammunition for cannon with explosive gas, smoke or incendiary projectiles.)	Not permitted.	
Bromine	Comb. L	White.	Chloracetophenone, gas, liquid or solid	Cor. L.	Tear gas.
Bromomethane, liquid. (See: "Methyl bromide, liquid.")	Comb. L		Chloroacetyl chloride	Cor. L.	White.
*Bronzing liquid	Inf. L	Red.	Chlorate explosives, dry. (See: "High explosives.")	Oxy. M.	Yellow.
Brunel, solid	Pois. B	Poison.	Chlorate powders. (See: "High explosives.")	Oxy. M.	Yellow.
Burlap bags, new	Haz.		Chlorates, N. O. S. (See: "Chlorates.")	Oxy. M.	
Burlap bags, used and unwashed	Haz.		Chlorates, N. O. S. wet (see: "Chlorates, wet")		
Burlap bags, used and washed. (See: "Burlap bags, new.")	Haz.		Chlorides, not		
Burnt cotton (not packed)	Haz.		Chlorobenzene. (See: Monochlorobenzene.)		
Burnt fibers. (See: "Fibers, burnt, wet or damp.")	Inf. S.	Yellow.	Chloride of lime. (See: "Bleaching powder.")		
Butane. (See: "Liquefied petroleum gas.")	Inf. S.		Chloride of phosphorus. (See: "Phosphorus trichloride.")		
Butyl acetate	Comb. L.		Chloride of sulfur. (See: "Sulfur chloride.")		
Butyl ether	Comb. L.		Chlorinated Lime (See: "bleaching powder.")		
Cacodylic acid, solid	Pois. B.	Poison.	Chlorine	Haz.	Green.
Calcium arsenate, solid	Pois. B.	Poison.	Chlorosulfonic acid	Cor. L.	White.
Calcium arsenite solid	Pois. B.	Poison.	Chlorosulfonic acid-sulfur trioxide mixture	Cor. L.	White.
Calcium carbide	Haz.		Chloroplatin absorbed	Pois. A.	Poison-gas.
Calcium chloride (see: "Chlorides")	Oxy. M.	Yellow.	Chloroplatin, liquid	Pois. A.	Poison-gas.
Calcium chlorate	Oxy. M.	Yellow.	Chloroplatin mixtures	Pois. A.	Poison-gas.
Calcium chloride	Oxy. M.	Yellow.	Chromatic acid	Oxy. M.	Yellow.
Calcium cyanamide, not hydrated	Haz.		Chromatic acid solution	Cor. L.	White.
Calcium cyanide. (See: "Cyanide of calcium.")	Inf. S.	Yellow.	Cleaning fluid or liquid (see: "Compounds, cleaning, liquid.")	Comb. L.	
Calcium hypochlorite. (See: "Bleaching powder.")	Oxy. M.	Yellow.	Cleaning fluids, hot. (See: "Chemical ammunition.")	Inf. L.	Red.
Calcium nitrate (see: "Nitrates")	Oxy. M.	Yellow.	Coal baggages, hot	Not permitted.	
Calcium nitrate (see: "Chlorates")	Oxy. M.	Yellow.	Coal baggages, not	Inf. S.	Yellow.
Calcium permanganate (see: "Permanganates")	Oxy. M.	Yellow.	Coal gas	Inf. G.	Red.
Calcium peroxide	Inf. S.	Yellow.	Coal oil (export shipment only—see "Kerosene").	Inf. L.	
Calcium phosphide	Haz.		Coal tar distillate	Comb. L.	Red.
Camphene	Comb. L.		Coal tar light oil. (See: "Benzene.")	Comb. L.	
Camphor (Crude, refined, or synthetic)	Haz.		Coal tar naphtha	Inf. L.	Red.
Camphor oil	Comb. L.		Coal tar oil. (See: "Coal tar distillate.")	Inf. L.	
Cannon powder. (See: "Black powder.")	Comb. L.		Cobalt resin, fused	No restrictions.	Yellow.
Cannon primers. (See: "Primers")	Comb. L.		Cobalt resin, precipitated	Inf. S.	Poison.
Caps, blasting. (See: "Blasting caps.")	Comb. L.		Cocculus, solid (fishberry)	Pois. B.	
Caps, toy. (See: "Toy caps.")	Comb. L.		Coke. (See: "Fibers.")	Not permitted.	
Carbolic acid, fused solid. (See: "Carbolic acid, solid.")	Comb. L.		Colloid cotton, wet with an inflammable liquid (export shipments)	Inf. L.	Red.
Carbolic acid, liquid (Liquid tar acid containing over 60% Benzophenol)	Comb. L.		Colloid cotton, wet with an inflammable liquid (see: "Nitrocellulose, wet with water")	Inf. L.	
Carbon bisulfide	Pois. B.	Poison.	Colloid cotton, wet with water (export shipments only). (See: "Nitrocellulose, wet with water")	Inf. L.	
Carbon dioxide, liquefied	Pois. B.	Poison.	Cologne spirits (alcohol). (See: "Alcohol, ethyl.")	Expl. C.	Red.
Carbon disulfide	Noninf. G	Green.	Color	Expl. C.	Red.
Carbon tetrachloride	Noninf. G	Green.	Colord fire. (See: "Fireworks.")	Inf. L.	White.
Carbon tetracyanide	Noninf. G	Green.	Combustible liquid (See: "Alcohol, wood.")	Expl. C.	Red.
Carbon monoxide	Comb. L.	Red.	Combustion fumes	Expl. C.	White.
Carbon remover, liquid (see: "Compounds, cleaning, liquid")	Comb. L.		Combustible primers	Inf. L.	
Carbonyl chloride. (See: "Phosgene.")	Comb. L.		Combustible liquid, N. O. S	Comb. L.	
Carboys, empty	Haz.		Compounds, cleaning, liquid	Comb. L.	
Cartridge bags, empty, with black powder igniters	Expl. C.		Compounds, cleaning, liquid	Comb. L.	
Cartridge cases, empty, primed (see: "Primers")	Expl. C.		Compounds, cleaning, liquid	Comb. L.	
Case oil. (See: under proper shipping name as "Benzene," "benzene," "gasoline," etc.)	Comb. L.		Compounds, lacquer, paint or varnish reducing, liquid	Comb. L.	
Casinghead gasoline. (See: Natural gasoline.)	Comb. L.		Compounds, lacquer, paint or varnish reducing, liquid (see: "Paint, liquid")	Comb. L.	
Caulstic potash, liquid	Cor. L.	White.	Compounds, lacquer, paint or varnish removing, liquid	Comb. L.	
Caulstic potash, solid	Haz.	White.	Compounds, lacquer, paint or varnish removing, liquid (see: "Paint, liquid")	Comb. L.	
Caulstic soda, liquid	Comb. L.		Compounds, lacquer, paint or varnish thinning, liquid	Comb. L.	
Caulstic soda, solid	Comb. L.		Compounds, lacquer, paint, or varnish thinning, liquid (see: "Paint, liquid")	Comb. L.	
Cement, leather	Comb. L.	Red.	Compounds, polishing, liquid (see: "Polishing compounds, liquid")	Comb. L.	
Cement, leather N O S	Comb. L.	Red.	Compounds, type-cleaning, liquid (see: "Compounds, cleaning, liquid")	Comb. L.	
Cement, roofing liquid	Comb. L.	Red.	Compounds, vulcanizing liquid	Comb. L.	White.
Cement, roofing liquid N O S	Comb. L.	Red.			
Cement, rubber	Comb. L.	Red.			
Cement, rubber	Comb. L.	Red.			

Article	Classed as	Label req.	Article	Classed as	Label req.
*Compounds, vulcanizing liquid (see: "Cement, rubber")	Inf. L.	Red.	*Drugs, chemicals, medicines, or cosmetics, N. O. S.	Cor. L.	White.
Compressed gases, N. O. S.	Inf. G. or non-Inf. G.	Red or green.	*Drugs, chemicals, medicines, or cosmetics	Comb. L.	White.
Containers, empty. (See: "Bottles empty; carboys, empty; cylinders, empty; or drums, empty.")	Inf. G. or non-Inf. G.	Red or green.	*Drugs, chemicals, medicines, or cosmetics, N. O. S.	Comb. L.	White.
Copper acetate, solid.	Pois. B.	Poison.	*Drugs, chemicals, medicines, or cosmetics	Pois. B.	Poison.
Copper arsenate, solid.	Pois. B.	Poison.	*Drugs, chemicals, medicines, or cosmetics, N. O. S.	Haz.	
Copper cyanide. (See: "Cyanide of copper.")	Pois. B.	Poison.	Drums, empty. (See: "Ammunition for cannon, nonexplosive.")		
Cork granulated	Haz.		Drums, empty. (See: "High explosives.")		
Cork, ground	Expl. C.		Electric blasting caps—more than 1,000	Expl. C.	
Corrosive liquid, N. O. S.	Haz.		Electric blasting caps—1,000 or less	Expl. A.	
Cotton	Cor. L.	White.	Electric fluids	Cor. L.	
Cotton batting	Haz.		Electrolyte (acid) or alkaline corrosive battery fluid packed with battery charger or radio current supply device or parts thereof.	Cor. L.	
Cotton batting dross	Haz.		Electrolyte (acid) or alkaline corrosive battery fluid packed with storage batteries.	Cor. L.	
Cotton, burnt (not repicked). (See: "Burnt cotton (not repicked).")	Haz.		Electrolyte (acid) battery fluid	Cor. L.	
Cotton seed hull fiber or shavings, pulp or cut linters	Haz.		Empty cartridge cases primed (see: "Primers")	Expl. C.	
Cotton sweepings. (See: "Cotton waste.")	Haz.		Empty cartridge cases primed (see: "Primers")	Expl. C.	
Cotton wadding	Haz.		*Eradicators, paint or grease, liquid	Comb. L.	
Cotton waste	Haz.		*Eradicators, paint or grease, liquid (see: "Paint, liquid")	Inf. L.	
Cotton waste, oily. (See: "Fibers, or fabrics, with animal or vegetable oil.")	Haz.		Essence (export shipments only). (See: "Gasoline.")	Inf. L.	
Cotton, wet. (See: "Fibers, burnt, wet or damp.")	Comb. L.		Ethane	Inf. G.	
*Cresol, liquid (resol)	Comb. L.		Ether, anesthetic	Inf. L.	
*Cresol, coal tar	Comb. L.		Ether, diethyl	Inf. L.	
*Cresol oil. (See: "Cresolite, coal tar.")	Comb. L.		Ether, ethyl	Inf. L.	
*Cresolite acid. (See: "Cresol liquid.")	Comb. L.		Ether, technical or commercial grade	Inf. L.	
Crotonaldehyde	Inf. L.		Ether, sulfuric	Inf. L.	
Crude nitrogen fertilizer solution	Noninf. G.		Ethyl acetate	Comb. L.	
*Crude oil, petroleum	Comb. L.		Ethyl aldehyde (see: Acetaldehyde)	Comb. L.	
*Crude oil, kerosene, dry	Comb. L.		Ethyl benzene	Comb. L.	
Cyanide of calcium, solid	Pois. B.		Ethyl bromide	Comb. L.	
Cyanide of copper	No restrictions.		Ethyl butyl acetate	Comb. L.	
Cyanide of lead	No restrictions.		Ethyl butyrate	Comb. L.	
Cyanide of potassium, liquid	Pois. B.		Ethyl chloride	Comb. L.	
Cyanide of potassium, solid	Pois. B.		Ethyl chloroacetate	Comb. L.	
Cyanide of silver	No restrictions.		Ethyl hexaldehyde	Comb. L.	
Cyanide of sodium, liquid	Pois. B.		Ethyl lactate	Comb. L.	
Cyanide of sodium, solid	Pois. B.		Ethyl methyl ketone	Comb. L.	
Cyanide of zinc	No restrictions.		Ethyl nitrate	Comb. L.	
Cyanides, dry	No restrictions.		Ethyl nitrite	Comb. L.	
Cyanogen, gas	Pois. A.		Ethyl silicate	Comb. L.	
Cyclopropane	Inf. G.		Ethylene	Comb. L.	
Cylinders, empty	Haz.		Ethylene chlorhydrin	Comb. L.	
*Decal. (See: "Cresolite, coal tar.")	Comb. L.		Ethylene dichloride	Comb. L.	
*Decal. (See: "Decalhydronephthalene.")	Comb. L.		Ethylene glycol diethyl ether	Comb. L.	
Delay electric igniters	Expl. C.		Ethylene glycol monomethyl ether	Comb. L.	
Depth bombs. (See: "Explosive bombs.")	Expl. B.		Ethylene glycol monomethyl ether acetate	Comb. L.	
Deteriorated smokeless powder for cannon	Expl. B.		Ethylene glycol monomethyl ether acetate	Comb. L.	
Deteriorated smokeless powder for small arms	Expl. B.		Ethylene oxide	Comb. L.	
Detonating fuzes	Expl. A.		Ethylene oxide	Comb. L.	
Diazodimethanol. (See: "Initiating explosive.")	Expl. A.		Excellor (shredded wood)	Haz.	
Dichlorodimethane	Noninf. G.		Explosive bombs	Expl. A.	
Dichloroethanes	Comb. L.		Explosive compositions containing an ammonium salt and a chloride	Prohibited.	
Diisobutyl ketone	Comb. L.		Explosive compositions that ignite spontaneously	Prohibited.	
Dimethoxy styrylamine. (See: "Brucine, solid.")	Comb. L.		Explosive compositions that undergo marked decomposition when subjected to 48° C. for 48 hours	Prohibited.	
Dimethylamine, anhydrous	Inf. L.		Explosive compositions that undergo marked decomposition when subjected to 167° F.	Prohibited.	
Dimethylarsenic acid, solid. (See: "Cacodylic acid, solid.")	Inf. L.		Explosive rifle grenades	Expl. A.	
Dimethyl ether	Inf. G.		Explosive mines	Expl. A.	
Dimethyl sulfide	Comb. L.		Explosive projectiles	Expl. A.	
Dinitrobenzol, liquid	Comb. L.		Explosive torpedoes	Expl. A.	
Dinitrobenzol, solid	Comb. L.		Explosives, samples of. (See: Sections 146.20-5 and 146.20-6.)	Comb. L.	
Dinitrochlorobenzol, solid	Comb. L.		*Extracts, liquid flavoring	Inf. L.	
Dinitrotoluene, liquid (Dinitrotol, liquid)	Comb. L.		*Extracts, liquid flavoring (see: "Alcohol, N. O. S.")	Comb. L.	
Diphenylaminechlorarsine, gas liquid or solid	Pois. C.		Felt, waste, wet. (See: "Cotton waste.")	Haz.	
Diphenylchlorarsine, solid	Pois. C.		Felt, waste, wet. (See: "Fibers, burnt, wet or damp.")	Pois. B.	
Diphosgene. (See: "Phosgene.")	Comb. L.		Ferric arsenate, solid	Pois. B.	
Disinfectant, liquid	Comb. L.		Ferric arsenite, solid	Pois. B.	
*Dressing, leather. (See: "Paint, liquid")	Comb. L.		Ferrophosphorus	Pois. B.	
*Driers, paint or varnish	Comb. L.		Ferrophosphorus briquets	Pois. B.	
*Driers, paint or varnish	Comb. L.		Ferrosilicon	Pois. B.	
Drill cartridges. (See: "Ammunition for Cannon, nonexplosive.")	Inf. L.		Ferrosilicon, containing between 45% and 48% or containing between 65% and 70% silicon	Haz.	
*Drugs, chemicals, medicines, or cosmetics	Inf. L.		Ferrosilicon, containing between 48% and 65% silicon	Haz.	
*Drugs, chemicals, medicines, or cosmetics, N. O. S.	Inf. L.		Ferrosilicon, containing less than 45% or more than 70% silicon	Haz.	
*Drugs, chemicals, medicines, or cosmetics	Inf. L.		Ferronous arsenate, solid	Pois. B.	
*Drugs, chemicals, medicines, or cosmetics, N. O. S.	Inf. L.		Fertilizer, ammoniating solution, containing free Ammonia	Noninf. G.	
*Drugs, chemicals, medicines, or cosmetics	Inf. L.		Fireboard scrap (when dry, clean, and free from oil). (See: "Paper")	Inf. S.	
*Drugs, chemicals, medicines, or cosmetics	Cor. L.	Yellow.	Fibers, burnt, wet or damp	Inf. S.	

Article	Classed as	Label req.
Fibers (Jute, hemp, flax, steel, cotton, kapok, and similar vegetable fibers).	Haz.	White.
Film support, nitrocellulose base. (See: "Pyroxylin plastics, rods, rolls, sheets, tubes.")	Inf. S.	Red.
Firecrackers. (See: "Fireworks.")		
Firecracker salutes. (See: "Fireworks.")	Cor. L.	White.
Fire extinguisher charges	Noninf. G.	Green.
Fire extinguishers, hand (containing nonliquefied gas).	Expl. B.	Fireworks.
Fireworks		
Fireworks, forbidden.	Haz.	Yellow.
Fish oils	Haz.	
Fish scrap, or fish meal (containing at least 6% and not more than 12% moisture).	Inf. S.	Yellow.
Fish scrap or fish meal, containing less than 6% or more than 12% moisture.	Haz.	
Fish scrap, wet agglutinated.		
Flares. (See: "Fireworks.")		
Flares, aéroplane. (See: "Fireworks.")		
Flash cartridges. (See: "Fireworks.")		
Flash caps. (See: "Fireworks.")		
Flash powder. (See: "Fireworks.")		
Flash sheets. (See: "Fireworks.")		
Flax. (See: "Fibers.")		
Formaldehyde	Comb. L.	White.
Formalin. (See: "Formaldehyde.")		
Formic acid	Cor. L.	White.
Fuel oil, C. S. No. 1.	Comb. L.	
*Fuel oil, C. S. No. 2.	Comb. L.	
*Fuel oil, C. S. No. 3.	Comb. L.	
*Fuel oil.	Comb. L.	
Fuminate of mercury, dry.	Prohibited.	
Fuminate of mercury, wet. (See: "Initiating explosive.")		
Furfural	Comb. L.	Red.
Furniture stain, liquid (see: "Paint, liquid.")	Inf. L.	
Railway. (See: "Fireworks.")		
Fuse igniters	Expl. C.	
Fuse, instantaneous. (See: "Instantaneous fuse.")		
Fuse lighters	Expl. C.	
Fusel oil	Comb. L.	
Fuses, safety	Expl. C.	
Fuses, combination, percussion, time or tracer.	Expl. C.	
Fuses, detonating	Expl. C.	
Garbage tankage (containing less than 8% moisture)	Expl. A.	Yellow.
Garbage tankage (containing 8% or more of moisture)	Expl. A.	
Gas traps, hydrocarbon.	Haz.	Red.
Gas identification sets.	Inf. S.	Poison gas.
*Gas oil.	Comb. L.	Poison gas.
Gasoline	Inf. L.	Red.
Gasoline (export shipments only) (See: "Gasoline.")		
Gelatin dynamite. (See: "High explosives.")		
Grease, empty, primed (see: "Primers.")	Expl. C.	
Grenades, hand, explosive. (See: "Explosive hand grenades.")		
Grenades, rifle, explosive. (See: "Explosive rifle grenades.")		
Ground bituminous coal. (See: "Coal facings.")		
Guanyl nitrosamino guanidine hydrazine. (See: "Initiating explosive.")		
Guanyl nitrosamino guanidyl tetraazene. (See: "Initiating explosive.")		
Gun cotton. (See: "High explosives.")		
Hair, wet.	Inf. S.	Yellow.
Hay	Haz.	
Hay or straw (loose, wet or damp)	Noninf. G.	Green.
Helium		
Hemp. (See: "Fibers.")		
Hemp, wet. (See: "Fibers, burnt, wet, or damp.")		
Hessian. (See: "Burlap cloth.")		
Hexamethylene	Comb. L.	White.
High explosives	Expl. A.	White.
Highway signals. (See: "Fireworks (fuses).")		
Hydrobromic acid	Cor. L.	White.
Hydrocarbon acid, liquefied	Inf. L.	White.
Hydrocarbon gas, nonliquefied	Inf. G.	Red.
Hydrochloric acid	Cor. L.	White.
Hydrocyanic acid, solutions	Comb. L.	White.
Hydrocyanic acid, liquid	Comb. L.	Poison gas.
Hydrocyanic acid, unsaturated	Comb. L.	Poison.
Hydrofluoric acid	Comb. L.	White.
Hydrofluoric acid, anhydrous	Comb. L.	White.
Hydrofluosilicic acid	Inf. G.	Red.
Hydrogen		
Hydrogen dioxide. (See: "Hydrogen peroxide.")		
Hydrogen peroxide (containing over 7.41% (55 volume) H ₂ O ₂)	Cor. L.	White.
Hydrogen sulfide	Inf. G.	Red.
Igniters	Expl. C.	
Initiating explosives	Inf. L.	Red.
*Ink	Expl. A.	Yellow.
*Insecticide, dry	Comb. L.	Red.
*Insecticide, liquid	Comb. L.	Poison.
*Insecticide, liquid (vermin exterminator)	Comb. L.	Poison.
*Insecticide liquid (vermin exterminator)	Comb. L.	Poison.
Instantaneous fuse	Expl. C.	Red.
Insulation tape (varnished cloth type). (See: "Oiled textiles.")		
Iron arsenate, solid. (See: "Fertile or ferric arsenate, solid.")	Haz.	
Iron oxide. (See: "Iron sponge.")	Haz.	
Iron sponge		
Isobutane. (See: "Liquefied petroleum gas.")		
Isopropanol. (See: "Alcohol, isopropyl.")		
Jute, wet. (See: "Fibers.")		
Kapok. (See: "Fibers.")		
Kerosene (coal oil)	Comb. L.	
Kerosene (export shipment only—see: "Kerosene").		
*Lacquer	Comb. L.	Red.
*Lacquer base, liquid	Comb. L.	
*Lacquer base, solid	Comb. L.	Red.
Lacquer chips, dry, nitrocellulose base.	Inf. S.	Yellow.
Lacquer base or lacquer chips, plastic (wet with an inflammable liquid).	Inf. L.	Red.
Lead arsenate, solid	Comb. L.	Poison.
Lead arsenite, solid	Comb. L.	Poison.
Lead azide. (See: "Initiating explosive.")		
Lead cyanide. (See: "Cyanide of lead.")		
Lead dross	Haz.	
Lead nitrate (see: "Nitrates")	Oxy. M.	
Lead scrap	Haz.	
Lead type dross	Haz.	
Lead styphnate (lead trinitroselenate). (See: "Initiating explosive.")		
Leather bleach (see: "Paint, liquid")	Inf. L.	Red.
Lewisite	Polis. A.	Poison gas.
Line nitrogen. (See: "Calcium cyanamide, not hydrated.")	Haz.	
Liquefied carbon dioxide. (See: "Carbon dioxide, liquefied.")		
Liquefied hydrocarbon gas. (See: "Hydrocarbon gas, liquefied.")		
Liquefied petroleum gas	Inf. G.	Red.
London purple, solid	Polis. B.	Poison.
Long time burning oil (export shipment only—see: "Kerosene").		
Low blasting explosive. (See: "Low explosives.")		
Low explosives	Expl. A.	
Lye. (See: "Caustic soda, solid.")		
Machines or apparatus (assembled for shipment containing not over 15 pounds weight of gas or liquid for their operation).	Noninf. G.	
Magnesium arsenate, solid	Polis. B.	Poison.
Magnesium metallic, powder	Inf. S.	Yellow.
Magnesium nitrate (see: "Nitrates")	Oxy. M.	
Magnesium perchlorate	Oxy. M.	Yellow.
Magnesium peroxide	Oxy. M.	Yellow.
Manganese dioxide	Haz.	
Matches, block. (See: "Matches, strike-anywhere.")		
Matches, book	Inf. S.	Yellow.
Matches, card	Inf. S.	
Matches, strike-anywhere	Inf. S.	
Matches, strike-on-box	Inf. S.	
Mercuric acetate	Polis. B.	Poison.
Mercuric ammonium chloride, solid	Polis. B.	Poison.
Mercuric benzoate, solid	Polis. B.	Poison.
Mercuric bromide, solid	Polis. B.	Poison.
Mercuric cyanide, solid	Polis. B.	Poison.
Mercuric iodide, solid	Polis. B.	Poison.
Mercuric oxide, solid	Polis. B.	Poison.
Mercuric oxide (red), solid	Polis. B.	Poison.
Mercuric oxide (yellow), solid	Polis. B.	Poison.
Mercuric oxycyanide, solid	Polis. B.	Poison.
Mercuric potassium iodide, solid	Polis. B.	Poison.
Mercuric salicylate, solid	Polis. B.	Poison.
Mercuric sulfate, solid	Polis. B.	Poison.
Mercuric sulfo cyanate, solid	Polis. B.	Poison.

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Article	Classed as	Label req.
Strychnine and salts thereof, solid.	Pois. B.	Poison.
Styphnate of lead. (See: "Initiating explosive.")		
Sulfur (flowers of sulfur, sulfur flowers, brimstone).	Haz.	
Sulfur chloride (mono and di).	Cor. L.	White.
Sulfur dioxide.	Noninf. G.	Green.
Sulfur trioxide.	Cor. L.	White.
Sulfuric acid.	Cor. L.	White.
Sulfuric acid, fuming (oleum) (nordhausen).	Cor. L.	White.
Syphon bottle charges. (See: "Carbon dioxide syphon bulbs.")		
Tankage fertilizers (containing 8% or more of moisture) (see: "Tankages").	Haz.	
Tankage fertilizers (containing less than 8% moisture) (see: "Tankages").	Inf. S.	Yellow.
*Tank cars, empty.	Haz.	
*Tank trucks, empty.	Haz.	
*Tar, liquid. (See: "Road asphalt or tar, liquid.")		
Tear gas candles.	Pois. C.	Tear gas.
Tear gas cartridges. (See: "Ammunition for small arms.")		
Tear gas material, liquid or solid, n. o. s.	Pois. C.	Tear gas.
Tetrachloride (See: "Silicon chloride").	Cor. L.	White.
Tetraethyl lead, liquid.	Pois. B.	Poison.
Tetrazene (guanil nitrosamino guanil tetrazene). (See: "Initiating explosive.")		
Tetryl. (See: "High explosive.")		
Textile waste. (See: "Cotton waste").	Haz.	
Textile waste, wet. (See: "Fibers, burnt, wet or damp.")		
Thallium salts, solid.	Pois. B.	Poison.
Thallium sulfate, solid.	Pois. B.	Poison.
*Thinners for rust preventive coating.	Comb. L.	
Time fuzes.	Expl. C.	
Tin tetrachloride, anhydrous.	Expl. C.	
Titanium tetrachloride.	Cor. L.	White.
Toluene.	Inf. L.	Red.
Toluol. (See: "Toluene.")		
Torches. (See: "Fireworks.")		
Torpedoes, cap. (See: "Fireworks.")		
Torpedoes empty. (See: "Ammunition for cannon, nonexplosive.")		
Torpedoes, explosive. (See: "Explosive torpedoes.")		
Torpedoes, toy, railway or track. (See: "Fireworks.")		
Toy caps.	Expl. C.	
Tracer fuzes.	Expl. C.	
Treated paper (manufactured articles properly dried to prevent spontaneous heating) (see: "Oiled clothing").	Haz.	
Treated textiles (manufactured articles properly dried to prevent spontaneous heating) (see: "Oiled clothing").		
Trinitrobenzene. (See: "High explosives.")	Inf. S.	Yellow.
Trinitrobenzene, wet (when wet with not less than 10% of water and in a quantity not exceeding 16 ounces in one outside package).		
Trinitroresorcinol. (See: "High explosives.")		
Trinitrotoluene. (See: "High explosives.")	Inf. S.	Yellow.
Trinitrotoluene, wet (when wet with not less than 10% of water and in a quantity not exceeding 16 ounces in one outside package).		
Turpentine.	Comb. L.	
*Turpentine substitutes.	Comb. L.	
*Turpentine substitutes.	Inf. L.	Red.
Unstable explosives.	Prohibited.	
*Varnish (see: "Paint, liquid").	Inf. L.	Red.
*Varnish.	Comb. L.	
Vermin exterminator. (See: "Insecticide liquid.")		
Very signal cartridges. (See: "Fireworks.")		
Water white (export shipment only). (See: "Kerosine.")		
*Waxes, liquid.	Comb. L.	
*Wood filler, liquid (see: "Paint, liquid").	Inf. L.	Red.
*Wood filler, liquid.	Comb. L.	
Wood shavings (when dry, clean, and free from oil).	Haz.	
*Wood stain, liquid (see: "Paint, liquid").	Inf. L.	Red.
*Wood stain, liquid.	Comb. L.	
Wool waste. (See: "Cotton waste.")		
Wool waste, wet. (See: "Fibers, burnt, wet or damp.")		
X-Ray film (cellulose acetate base).	No restrictions.	
X-Ray film (nitrocellulose base). (See: "Photographic film (Nitrocellulose base).")		
X-Ray film scrap (cellulose acetate base).	No restrictions.	
X-Ray film scrap (Nitrocellulose base). (See: "Pyroxylin plastic scrap.")		
*Xylene.	Inf. L.	Red.
*Xylol (see: "Xylene").	Inf. L.	Red.
Xylol bromide.	Pois. C.	Tear gas.
Zinc arsenate.	Pois. B.	Poison.
Zinc arsenite, solid.	Pois. B.	Poison.
Zinc chlorate (see: "Chlorates").	Oxy. M.	Yellow.
Zinc cyanide. (See: "Cyanide of zinc.")		
Zinc ethyl.	Not permitted.	
Zinc nitrate (see: "Nitrates").	Oxy. M.	
Zinc permanganate (see: "Permanganates").	Oxy. M.	Yellow.
Zirconium metallic, dry.	Inf. S.	Yellow.
Zirconium metallic, sludge.	Inf. S.	Yellow.
Zirconium metallic, wet.	Inf. S.	Yellow.
Zirconium nitrate (see: "Nitrates").	Oxy. M.	
Zirconium picramate wet with 20% water.	Oxy. M.	Yellow.

SHIPPER'S REQUIREMENTS RE: PACKING, MARKING, LABELING AND SHIPPING PAPERS

§ 146.05-1 *Shipments in violation of the regulations in this part.* No permitted explosives or other dangerous articles or substances and combustible liquids shall be tendered for shipment on board vessels except when in compliance with the provisions of the regulations in this part.*

§ 146.05-2 *Acceptable shipments.* Permitted explosives or other dangerous articles or substances may be offered to vessels for transportation and storage provided they are in proper condition for transportation or storage and are as defined and are packed, marked, labeled, described, certified and otherwise acceptable as provided for herein. Methods of preparation, packing, testing and records, insofar as they effect safety in transpor-

tation shall be open to inspection by a duly authorized representative of the Bureau.*

§ 146.05-3 *Mixed packing.* Outside containers having interior packages containing substances possessing different dangerous characteristics, the mixture of which is liable to cause evolution of heat or gas or produce a corrosive acting substance, shall not be offered for transportation or storage on board vessels to which the regulations in this part apply unless so packed as to prevent admixture.*

§ 146.05-4 *Prescribed containers.* The regulations in this part prescribe four groups of outside containers for use in shipping permitted explosives or other dangerous articles or substances as follows:

- I.C.C. specification containers.
- M.I.N. specification containers. (See § 146.05-6.)
- C.F.C. specification containers. (See § 146.05-7.)
- Non-specification containers.*

§ 146.05-5 *I.C.C. specification containers.* (a) Interstate Commerce Commission containers authorized herein for use in the transportation of permitted explosives or other dangerous articles or substances must have been made and marked in compliance with specifications prescribed by the Interstate Commerce Commission in effect at date of manufacture of containers.

(b) Containers not specified herein, made previous to effective date of the regulations in this part and authorized for use under the regulations of the Interstate Commerce Commission effective October 1, 1930, which may be continued in use, are as follows:

When the regulations in this part call for specification numbers—	These specification containers may also be used—
1A.....	1..... Boxed carboy, glass, or earthenware.
1B.....	1..... Boxed carboy, lead.
1C.....	1..... Carboy in keg, glass or earthenware.
3A.....	3, 25, 26..... Cylinder.
3B.....	26..... Cylinder.
3C.....	7..... Cylinder.
3D.....	33..... Cylinder.
3E.....	3..... Cylinder.
4A.....	26..... Cylinder.
4B.....	26, 38..... Cylinder.
4C.....	7..... Cylinder.
5H.....	5A, lead-lined..... Lead-lined metal barrel or drum.
6A.....	20..... Metal drum.
6B.....	20A..... Metal drum.
6C.....	20B..... Metal drum.
10A.....	9..... Wooden barrel.
10B.....	10..... Wooden barrel.
10C.....	10..... Wooden barrel.
12B.....	23A, 23B, 23D, 24A, 24B, 24D..... Fiberboard box.
12C.....	23C, 24C..... Fiberboard box.
17C.....	5J..... Metal drum.
17E.....	5E..... Metal drum.
37D.....	6D..... Metal drum.
37E.....	6E..... Metal drum.
37F.....	6F..... Metal drum.
37G.....	6G..... Metal drum.
37H.....	6H..... Metal drum.

(c) For compressed gases when tank cars marked ICC-105A300 are authorized, tank cars marked ICC-105A400, 105A500, and 105A600 may also be accepted; when ICC-104A tank cars are authorized, tank cars marked ICC-105A-300, 105A400, 105A500, and 105A600 may also be accepted; and when ICC-106A500 tank cars are authorized, tank cars marked ICC-106A800 may also be accepted.

(d) Tank cars. The regulations of the Interstate Commerce Commission governing the transportation of explosives and other dangerous articles, effective April 9, 1941, authorize the use of fusion welded tanks of tank cars. The fusion welded tank cars corresponding to the specification shown in the tables herein as an acceptable container are also authorized for acceptance on board vessels. These cars will be marked by a "W" added to the specification marking; For Example, "ICC-103A" will carry the marking "ICC-103A-W", etc.

(e) Cylinders of foreign manufacture received from foreign countries for charging with compressed gas may be charged and shipped for export when in compliance with regulations governing such charging and shipping as promulgated by the Interstate Commerce Commission. Bill of lading or other shipping paper shall, when possible, identify the cylinder and shall carry the following certification:

These cylinders have been retested and refilled in accordance with the Interstate Commerce Commission requirements for export.

§ 146.05-6 *M. I. N. specification containers.* Specification containers of the Bureau of Marine Inspection and Navigation are prescribed herein for use in the transportation of combustible liquids and hazardous articles and for export shipments of inflammable liquids. Such containers shall be made and marked in compliance with specifications of these regulations. Containers that do not comply with such specifications shall not be marked to indicate compliance.

NOTE: Certain other specifications are also set forth herein such as for built-in magazines, portable magazines, portable multi-unit containers, and metal lockers used in the stowage on board vessels of explosives or other dangerous articles.*

§ 146.05-7 *C.F.C. specification containers.* (a) Metal barrels or drums, constructed and marked in accordance with specifications of the Consolidated Freight Classification, Rule 40, section 5, of capacities not exceeding 110 gallons, are permitted by these regulations for use in transportation or storing combustible liquids on board passenger vessels. Single-trip containers, manufactured under Rule 40, are not authorized for such use.

(b) For shipments comprising C.F.C. specification metal barrels or drums the bill of lading or other shipping paper is required to show the following certificate over the written or stamped facsimile

signature of the shipper or his duly authorized agent:

The C.F.C. metal barrels or drums used for this shipment are marked in compliance with requirements of Rule 40, section 5, of Consolidated Freight Classification.

(c) The requirements as to marking will not be necessary for metal barrels or drums, equivalent to C.F.C. Rule 40 barrels or drums, when manufactured in foreign countries, but bill of lading or other shipping paper shall bear the following certificate over the written or stamped facsimile signature of the shipper or his duly authorized agent:

The metal barrels or drums used for this shipment are of foreign manufacture and conform to construction requirements of Rule 40, section 5, of the Consolidated Freight Classification.

(d) Solid fiberboard or double-faced corrugated fiberboard boxes constructed in accordance with specifications of the Consolidated Freight Classification, Rule 41, section 2, of capacities not exceeding 90 pounds weight of box and contents, are permitted by these regulations for use in transporting or storing combustible liquids, in inside containers, on board passenger vessels.

(e) Fiberboard boxes that are made to conform to specifications of Rule 41, section 2, must bear certificate of box maker showing that the boxes do so conform. Boxes used for shipment of combustible liquids shall be marked by printing or stenciling or stamping thereon: (1) The name of the commodity within the container; or (2) The words "Combustible Liquid". This marking shall be block type, not less than 1/2 inch high, and shall be imposed under, above or to either side of the box maker's certificate. Marking shall be in block type letters, inside a heavy black-line border.*

§ 146.05-8 *Non-specification containers.* Metal barrels or drums, wooden barrels or kegs, wooden boxes, fiberboard boxes, burlap bags, multiwall paper bags and bales comprise the type of non-specification containers that are permitted for certain regulated substances. The detailed regulations in the tables for the various classifications set forth the requirements governing such containers where permitted. The design and construction of non-specification containers must be such as to prevent the occurrence of defects that permit leakage of their contents and strong enough to stand, without failure, all shocks ordinarily incident to handling and stowage during transit. The shipper's attention is called to the regulation in the various tables which requires the officer in charge of loading the vessel to satisfy himself that a non-specification container offered for transportation, when containing a permitted substance, is sufficient in all respects for the purpose intended.*

§ 146.05-9 *Specification containers packed in outside packages.* Outside specification shipping containers that do not contain explosives or corrosive liquids, except electrolyte or alkaline corrosive battery fluid or electric storage batteries

containing electrolyte or alkaline corrosive battery fluid or fire extinguisher charges, may be shipped when tightly packed in specification boxes or barrels or in non-specification boxes, barrels or crates. Such outside package shall be marked with the prescribed name of contents and labeled as required by these regulations. Containers required by these regulations to be marked "This Side Up" shall be packed in the outside package with filling holes up and the outside package must be marked "This Side Up". The outside package shall also be marked "Inside Containers Comply With Prescribed Specifications" unless the specification marking on the inside container is visible through openings in the outside package.*

§ 146.05-10 *Reuse of containers.* (a) Containers used more than once (refilled and reshipped after having been previously emptied) shall be in such condition, including closing devices and cushioning materials, that they will protect their contents during transit as efficiently as new containers. Repairs must be made in an efficient manner and parts that are weak, broken, or otherwise deteriorated shall be replaced.

(b) Markings applied as prescribed by the specifications shall be maintained in a legible condition.

(c) If, on account of painting or any other reason, the markings as prescribed for any container can not be kept plain and legible, a metal plate, brazed or soldered or otherwise securely fastened to the container, with a reproduction of the prescribed markings plainly stamped thereon, may be permitted.

(d) Containers previously used for the shipment of any explosive or other dangerous article shall have old marks of contents, addresses, and labels, if any, thoroughly removed or obliterated before being used for the shipment of other articles.

(e) Boxes previously used for high explosives containing a liquid explosive ingredient shall not be again used for shipments of any character.

(f) Kegs previously used for any chlorate shall not be again used for shipments of any character.

(g) Metal kegs previously used for black powder not contained in an interior package shall not be again used for shipments of any explosive.

(h) Single-trip I.C.C. specification containers, from which contents have once been removed following use for shipment of any article, shall not be again used as shipping containers for explosives, inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids or poisonous articles as defined herein. Where specific permission is given in these detailed regulations in the tables for Combustible Liquids or Hazardous Articles such single-trip containers are permitted for reuse when in compliance with (a), (b) and (c) hereof.*

§ 146.05-11 *Certification.* (a) The shipper offering for transportation by vessels subject to these regulations any

Class A or Class B explosive and blasting caps or electric blasting caps in any quantity, and any inflammable liquid, inflammable solid, oxidizing material, corrosive liquid, compressed gas, or poison requiring labels, shall show the following certificate in the lower left hand corner of the originating shipping paper over the written or stamped facsimile signature of the shipper or of his duly authorized agent:

This is to certify that the above articles are properly described, by name, and are packed and marked and are in proper condition for transportation according to the regulations prescribed by the Interstate Commerce Commission.

(b) For shipments of Combustible Liquids or Hazardous Articles, the certificate shall read as follows:

This is to certify that the above articles are properly described, by name, and are packed and marked and are in proper condition for transportation according to the regulations established by the Secretary of Commerce.

(c) For a shipment including any of the substances enumerated in § 146.05-11 (a) together with any of the substances enumerated in § 146.05-11 (b) the certificate shall read as follows:

This is to certify that the above articles are properly described, by name, and are packed and marked and are in proper condition for transportation according to the regulations prescribed by the Interstate Commerce Commission and the Secretary of Commerce.*

§ 146.05-12 *Originating shipping order, transfer shipping paper.* (a) The requirements of this section apply to domestic shipments offered for transportation, carriage, or conveyance on board vessels.

(b) A shipper of any permitted explosives or other dangerous articles or substances, and combustible liquids for transportation, carriage, or conveyance on board vessels subject to these regulations under the conditions set forth in (a) hereof shall prepare an originating shipping order (1) describing the shipment as required herein. A vessel acting as initial carrier shall require presentation of the original shipping order. A vessel acting as a connecting carrier shall require delivery of a transfer shipping paper (2) prepared from the originating shipping order or subsequent transfer paper and upon which shall be shown all the information that is required by this section.

NOTE (1) "Originating shipping order" may be the second sheet that carries the notation in bold face type "THIS SHIPPING ORDER" of the domestic bill of lading form, or a delivery paper (known as a delivery receipt or dock receipt) or an order prepared upon the shipper's letterhead.

NOTE (2) "Transfer shipping paper" refers to such papers as freight way bill, way bill, express way bill, vessel manifest, vessel cargo list, or exchange bill of lading shipping order, under authority of which a shipment is moving by other than the initial carrier. Such transfer papers shall show thereon all the information required by this section and shall also contain information sufficient to identify the preceding shipping paper.

(c) A shipper or his authorized agent or representative shall not tender to an

initial carrier vessel partial deliveries of a shipment of explosives or other dangerous articles or substances, and combustible liquids, except under cover of a delivery paper (known as a delivery receipt or dock receipt) which paper shall show all the information as required for an originating shipping order in subsection (f) hereof. Delivery receipts covering either full or partial deliveries shall be furnished at least in duplicate and after acknowledgment, one copy shall be retained by the vessel operator. Unit deliveries of the same substance requiring more than eight (8) hours of normal continuous operation to effect complete delivery shall not be construed to be partial deliveries.

(d) If a shipment is being transported, carried or conveyed under a bill of lading issued in exchange or in substitution for an original bill of lading it shall be the duty of the carrier executing such bill of lading to accurately transfer from the original bill of lading the information shown thereon as required by this section.

(e) No person other than the shipper or his duly authorized agent or representative shall prepare an originating shipping order covering transportation, carriage, conveyance or storage of explosives or other dangerous articles or substances, and combustible liquids that are to be transported, carried, conveyed or stored on board vessels subject to the regulations in this part.

(f) The minimum information required by this section to be shown upon an originating shipping order is as follows:

- (1) Shipper's name and address.
- (2) Consignee's name and address. (When required by the detailed regulations.)
- (3) Either the number of packages or pieces or the quantity or weight, as the case may be, and the type of packages (cylinders, barrels, boxes, etc.)
- (4) Shipping or leading marks and numbers if appearing on packages.
- (5) Shipping name of each article, as shown in roman type in the commodity list herein. Further description not inconsistent with the shipping name may be shown. Unauthorized abbreviations shall not be used.

(6) In connection with the entry of each dangerous article, show the kind and color of label applied to the package or the markings upon the package when label or marking is required by the regulations in this part.

(7) Gross weight of container and contents when such information is required to be shown on a package by the regulations in this part.

(8) Certification over the written or stamped facsimile signature of the shipper or of his duly authorized agent as required by these regulations. (Not required except on originating bill of lading and shipping order.)

(g) Any person or carrier preparing a transfer shipping paper shall show there-

on all the information required by this section that is given on the preceding shipping paper and shall also indicate thereon information sufficient to identify the preceding shipping paper.

(h) When a shipment of explosives or other dangerous articles or substances, and combustible liquids is being transported, carried, conveyed, or stored on board a vessel subject to these regulations under a special contract of affreightment, the provisions required by paragraphs (a) (b) (c) (d) and (e) of this section need not be complied with: *Provided, however,* That the owner, charterer, agent or master of the vessel shall have in his possession a memorandum describing the shipment, which description shall contain at least the information required by subsection (f) hereof. This memorandum must be in the carrier's possession previous to the time the explosives or other dangerous articles or substances, and combustible liquids, are transported, carried, conveyed, stored or stowed.*

§ 146.05-13 *Originating export shipping paper.* (a) The requirements of this section apply when an export shipment is offered for transportation by vessel.

(b) A shipper of any explosive or other dangerous article or substance to be offered for export on board vessels subject to these regulations shall prepare an originating shipping order (1) or otherwise describe the shipment in writing (2) as required by this section.

NOTE (1) This "originating shipping order" may be any one of the following papers: (i) Uniform through export bill of lading. (ii) Ocean bill of lading. (iii) Dock receipt. (iv) Delivery receipt. (v) Government bill of lading. (vi) Engagement note. (vii) Permit.

NOTE (2) By "otherwise describe the shipment in writing" is meant that the shipper or his authorized agent or representative shall in writing advise the vessel operator in advance regarding the characteristics of the shipment and such description shall conform to the provisions of this section.

(c) For a shipment originating in the interior and moving to the seaboard under a domestic bill of lading the shipper or his authorized agent or representative shall advise the vessel regarding the shipment in the manner set forth under Note (2) of this section.

(d) A carrier actually preparing for a shipper an ocean bill of lading from written information furnished by the shipper shall accurately show such information upon the bill of lading and shall also indicate thereon information sufficient to identify the original paper describing such shipment. Upon acknowledgment by the shipper or his authorized agent or representative, the ocean bill of lading shall then be considered the properly executed document of the shipper.

(e) A shipper or his authorized agent or representative shall not offer to an initial carrier vessel partial deliveries of a shipment of explosives or other dangerous articles except under cover of a dock receipt or other partial delivery receipt, which receipt shall show all the

information as required for the originating shipping order. Delivery receipts covering such shipments shall be furnished in duplicate and after acknowledgment one copy shall be retained by the vessel operator. Separate delivery receipts shall accompany each partial delivery.

(f) No person other than the shipper or his duly authorized agent or representative shall prepare an originating shipping order or written instrument otherwise describing the shipment covering transportation of explosives or other dangerous articles or substances.

(g) The minimum information required by this section to be shown upon an originating shipping order or written instrument "otherwise describing the shipment" is as required by § 146.05-12 (f).

(h) A shipment of explosives or other dangerous articles or substances being delivered to a carrier vessel under the provisions of a booking contract, engagement note, permit or contract of affreightment shall be accompanied by one of the shipping papers required by the provisions of § 146.05-13 (b).*

§ 146.05-14 *Import shipping papers.* An importer of explosives or other dangerous articles or substances shall furnish the foreign shipper full and complete information required by § 146.05-12 (f) to be shown on shipping papers. Bills of lading, manifests, consular invoices or other import shipping papers shall show such information. Applicable certifications as required by § 146.02-3, § 146.02-9, or § 146.02-11 (b) and § 146.05-11 shall also be shown thereon. (See Carrier Regulations re Import Shipments § 146.06-1.) (Attention of importers is called to § 146.02-11 re Import Shipments.)*

§ 146.05-15 *Marking and labeling applying to domestic shipments only.* (a) Interstate Commerce Commission regulations in effect at time of shipment with respect to the marking and labeling of containers of explosives, inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases and poisonous articles apply to shippers preparing shipments for transportation or storage on board vessels that are common carrier vessels and subject to the regulations in this part.

(b) Provisions of the regulations of the Interstate Commerce Commission with respect to marking and labeling of containers of Explosives, Inflammable Liquids, Inflammable Solids, Oxidizing Materials, Corrosive Liquids, Compressed Gases and Poisonous Articles as applicable to shipments thereof on board common carrier vessels are adopted and form part of these regulations for any such shipments on vessels that are not common carriers and shall apply to all shippers preparing such shipments for transportation or storage on board such vessels except as may be otherwise required by the regulations herein.

NOTE: For marking and labeling requirements applying to export shipments see § 146.02-10. For marking and labeling requirements applying to import shipments see § 146.02-11 (a) and (b).

(c) The marking of containers of Combustible Liquids prepared for transportation or storage on board passenger vessels or Hazardous Articles prepared for transportation or storage on board any vessel subject to these regulations shall be in accordance with the requirements of the regulations in this part.

(d) The marking and labeling of containers of Explosives shall be as follows: (1) Each package containing explosives shall be marked with its proper shipping name as shown in the commodity list herein and such other marking as prescribed by the Interstate Commerce Commission regulations for the explosive in the shipment.

(2) Packages containing explosives shall show on top the marking "This Side Up" when required by the Interstate Commerce Commission regulations.

(3) Each package of explosives shall show the name and address of the consignee; or in lieu thereof the shipping mark and number. When such system of marks and numbers is used they shall be indicated as such upon the originating and subsequent shipping paper. Packages comprising carloads and highway truckloads need not be so marked when delivered to a vessel, provided the vessel delivers the shipment complete to a connecting carrier or a single consignee. Such delivery must be accompanied by a shipping paper showing thereon at least the following information:

Name of consignee.
Number of packages.
Name of commodity in accordance with the regulations in this part.

(4) Each package of explosives containing a poison gas or tear gas shall also have securely attached to it the labels prescribed by the Interstate Commerce Commission regulations.

(5) Each outside container of samples of explosives when offered for transportation on board vessels shall bear the "red label for samples of explosives" and each outside container of fireworks in addition to the markings prescribed shall bear the "red label for fireworks" as prescribed by the Interstate Commerce Commission regulations.

(6) Each package of explosives shall be marked with the Interstate Commerce Commission specification number as prescribed by the specification, if an I.C.C. specification container is required.

(e) The marking of containers of Other Dangerous Articles or Substances shall be as follows: (1) Each package containing inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, or poisons as defined herein shall be marked with the proper shipping name as shown in the commodity list of these regulations. For tank cars this marking shall appear either on the placards or commodity cards.

(2) Except as otherwise exempted by the provisions of the regulations in this part, each package of dangerous articles, as enumerated in (1) above, shall show the name and address of the consignee; or in lieu thereof the shipping mark and number. When such system of marks and numbers is used they shall be indicated as such upon the originating and subsequent shipping paper. Packages comprising carloads and highway truck loads need not be so marked when delivered to a vessel, provided the vessel delivers the shipment complete to a connecting carrier or a single consignee. Such delivery must be accompanied by a shipping paper showing thereon at least the following information:

Name of consignee.
Number of packages.
Name of commodity in accordance with the regulations in this part.

Shipments offered to an initial carrier vessel that comprise a full cargo or sufficient to occupy a full compartment or hold, or that exceed one hundred (100) packages, need not show the name and address of the consignee upon the individual packages, provided delivery is made to a connecting carrier or a consignee in not less than truck load or carload consignments.

(3) Packages containing inflammable liquids in inside containers of one quart capacity or larger and corrosive liquids in any quantity, except when packed in carboys not completely boxed, shall be marked on top "This Side Up."

(4) Each package shall show the specification marking as required if a specification container is prescribed.

(5) Additional shipping information not inconsistent with these regulations may be shown on a container if so desired but no such label or marking shall be of a design, or form, or size, as may be confused with the labeling and marking required by the regulations in this part.

(f) The marking of containers of "Combustible Liquids" or "Hazardous Articles" shall be as follows: (1) Each outside container of a combustible liquid, as defined herein, shall be marked with either the proper shipping name as shown in the commodity list herein or the legend "Combustible Liquid." This marking shall be in block letters not less than ½ inch high and may be printed or stenciled or stamped upon the container.

(2) Each outside barrel, box, or bag containing a hazardous article as defined herein shall be marked with the proper shipping name as shown in the commodity list herein. These markings shall be in block letters not less than ½ inch high and may be printed or stenciled upon the container.

(3) Except as otherwise exempted by the provisions of these regulations, outside containers of hazardous articles or combustible liquids shall show the name and address of the consignee or in lieu thereof the shipping marks and number. Packages comprising carloads and high-

way truck loads need not be so marked when delivered to a vessel, provided the vessel delivers the shipment complete to a connecting carrier or a single consignee. Such delivery must be accompanied by a shipping paper showing thereon at least the following information:

Name of consignee.
Number of packages.
Name of commodity in accordance with these regulations.

(4) Packages containing combustible liquids or hazardous articles in liquid form packed in inside containers of 1 quart capacity or larger shall be marked on top "This Side Up".

(5) Additional shipping information not inconsistent with these regulations may be shown on an outside container if so desired but no such marking shall be of a design or form or size as may be confused with the marking required by these regulations.

(g) Each package containing "Any Other Dangerous Article" as defined by these regulations shall be conspicuously labeled by the shipper as follows except as otherwise provided: (1) "Red Label" as described and illustrated in § 146.05-17 (f) on containers of inflammable liquids except when exempted by these regulations.

(2) "Yellow label" as described and illustrated in § 146.05-17 (g) on containers of inflammable solids and oxidizing materials, except when exempted by these regulations.

(3) "White label" as described and illustrated in § 146.05-17 (h) on containers of acids or corrosive liquids except when exempted by these regulations.

(4) "Red label" as described and illustrated in § 146.05-17 (j) on containers of inflammable compressed gases except when exempted by these regulations.

(5) "Green label" as described and illustrated in § 146.05-17 (k) on containers of noninflammable compressed gases except when exempted by these regulations.

(6) "Poison gas" label as described and illustrated in § 146.05-17 (l) on containers of Class A poisons.

(7) "Poison" label as described and illustrated in § 146.05-17 (m) on containers of Class B poison liquids or solids, except when exempted by these regulations.

(8) "Tear gas" label as described and illustrated in § 146.05-17 (n) on containers of Poisons, Class C.

(9) "Bung label" as described and illustrated in § 146.05-17 (s) on metal barrels or drums containing inflammable liquids the vapor pressure exceeding 16 lbs. per sq. inch absolute.

(10) "Empty label" as described and illustrated in § 146.05-17 (r) shall be applied to empty containers when such application is required by these regulations.

(h) Labels are not required on packages comprising shipments received and delivered in carloads or highway truck loads when such shipments are in

conformity with the provisions of § 146.05-15 (d) (3), § 146.05-15 (e) (2) or § 146.05-15 (f) (3). This exception does not apply to Class A or Class C poisons.*

§ 146.05-16 *Labels for mixed packing.*
(a) Use Red label only when red and other labels are prescribed.

(b) Use White acid label only (corrosive liquid) when white acid and yellow or poison labels are prescribed.

(c) Use Yellow label only when yellow and poison label are prescribed.*

§ 146.05-17 *Labels.* (a) Shippers shall furnish and attach the labels prescribed for their packages.

(b) Labels shall not be applied to packages containing articles which are not subject to the regulations in this part.

(c) Shippers shall not apply labels which by their size, shape and color, may readily be confused with standard caution labels prescribed herein.

(d) Labels shall conform to standard as required by the Interstate Commerce Commission regulations.

(e) A combination diamond-shaped label-tag of proper size and color, bearing on one side the shipping information and on the reverse side the wording prescribed herein, will be permitted.

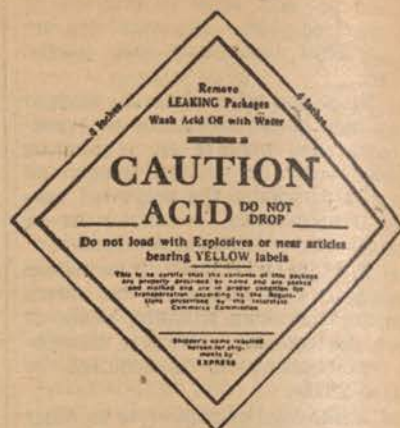
(f) Red label for inflammable liquids:
(Reduced size)



(g) Yellow label for inflammable solids and oxidizing materials:
(Reduced size)



(h) White label for acids and corrosive liquids:
(Reduced size)



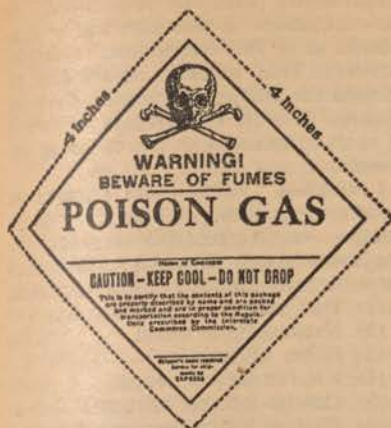
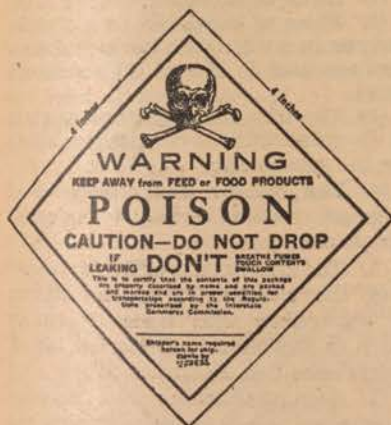
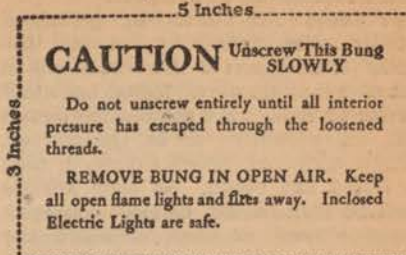
(For corrosive liquids other than acid, the words "Corrosive liquid" may be substituted for the word "Acid" on the white "Acid" labels if desired.)

(j) Red label for inflammable gases:
(Reduced size)



(k) Green label for noninflammable gases:
(Reduced size)



(l) Poison gas label:
(Reduced size)(m) Poison label:
(Reduced size)(n) Tear gas label:
(Reduced size)(p) Red label for fireworks:
(Reduced size)(q) Red label for samples of explosives:
(Reduced size)(r) White label for empty containers:
(Reduced size)(s) Bung label:
(Reduced size)

VESSEL'S REQUIREMENTS RE: ACCEPTANCE, HANDLING, STOWAGES, ETC.

§ 146.06-1 *Acceptance on board vessels.* Explosives or other dangerous articles or substances or combustible liquids that are permitted by the regulations in this part to be placed on board vessels, or to be on board a vessel within the navigable waters of the United States, may be accepted and transported or stored on board vessels subject to the regulations in this part when such articles are described upon the shipper's originating shipping order or a transfer shipping paper or otherwise in writing by a shipping name as shown in the commodity list of explosives and other dangerous articles herein, and provided label notations are shown on the shipping paper as they apply to the various substances. The owner, charterer, agent, master or person in charge of a vessel shall ascertain to his own satisfaction that the outside container is one of the acceptable containers as shown in the tables for the particular substance named on the shipping paper. Shipments tendered in United States ports to vessels which are initial carriers shall not be accepted unless the originating shipping order carries the shipper's certification as to description, packing, marking and condition as required by § 146.05-11. Shipments tendered in United States ports to vessels which are connecting carriers shall not be accepted unless the transfer shipping paper contains sufficient information to identify the preceding shipping paper. Shipments originating in a foreign port shall not be transported, carried, conveyed, or stowed by any vessel upon the navigable waters of the United States unless accompanied by bills of lading upon which the shipper or his agent has certified that the goods are described, packed and marked in accordance with the regulations in this part.*

§ 146.06-2 *Explosives prohibited on any vessel.* No explosive or explosive composition expressly prohibited by the provisions of subsection 3 of R.S. 4472 as amended shall be transported, carried, conveyed, stored, stowed or used on board any vessel.*

§ 146.06-3 *Articles not permitted on vessels.* No high explosive or other explosive or other dangerous article or substance or combustible liquid shall be transported, carried, conveyed, stored, stowed or used on board any vessel unless such transportation, carriage, convey-

ance, storage, stowage or use is permitted by the regulations in this part.*

§ 146.06-4 *Acceptance of permitted articles.* The commodity list and the tables forming part of the regulations in this part indicate the explosives and other dangerous articles and combustible liquids that are permitted to be transported, carried, conveyed, stored, stowed, or used on board any vessel. No such articles shall be transported, carried, conveyed, stored, stowed, or used on board any vessel unless they comply with the conditions as shown for the substance in the commodity list and tables and the other provisions of the regulations in this part as they apply to the particular character of vessel.*

§ 146.06-5 *"Order-Notify" or "C. O. D." shipments.* Except on through bills of lading to a foreign port, shipments of Class A dangerous explosives or blasting caps in any quantity shall not be transported, carried or conveyed on board a vessel when consigned to "Order-Notify" or "C. O. D." Such articles shall not be transported, carried or conveyed on board any vessel when a shipper consigns a shipment to himself unless the shipper has a resident representative authorized to receive the shipment at the port of discharge.*

§ 146.06-6 *Canadian shipments.* Explosives or other dangerous articles or substances or combustible liquids, as defined herein, which are described, packed, marked and certified in conformity with the regulations of the Board of Transport Commissioners of Canada may be transported, carried or conveyed on board such vessels as are permitted by the regulations in this part to transport, carry or convey the particular explosive or other substance contained within the package.*

§ 146.06-7 *Emergency shipments.* For conditions of the regulations governing emergency shipments see § 146.02-12.*

§ 146.06-8 *Handling on board vessels.* Explosives or other dangerous articles or substances, and combustible liquids shall be handled on board vessels in conformity with the provisions of the detailed regulations preceding each table of the various classifications and the provisions set forth for the particular substance as shown in the tables: *Provided, however,* That a railroad vehicle in which is loaded any permitted explosives or other dangerous articles or substances shall be handled on board a vessel in accordance with the provisions of §§ 146.07-01—146.07-8 and a highway vehicle in which is loaded any permitted explosives or other dangerous articles or substances shall be handled on board vessels in accordance with the provisions of §§ 146.08-01—146.08-11.*

§ 146.06-9 *Stowage on board vessels.* (a) Stowage of a particular explosive or other dangerous article or substance or a combustible liquid on board a vessel may be any permitted stowage in accordance with the provisions as shown in the tables as applying to the character of vessel

upon which the substance is permitted to be transported or stored.

(b) When only one stowage is shown, no other stowage shall be utilized. When more than one stowage is indicated any or all of the indicated stowages may be utilized. When "Tween decks" is authorized for stowage "Tween decks readily accessible" may also be used, but not the reverse thereof. When "Under deck" is authorized for stowage "Under deck away from heat" may also be used, but not the reverse thereof.

(c) Explosives of different classes or characteristics shall not be stowed together in the same compartment or magazine nor with other dangerous articles or substances or combustible liquids except as indicated in the "Stowage and storage chart of explosives and other dangerous articles" and the detail regulations shown in §§ 146.20-01—146.20-100.

(d) The provisions of this section shall not be applicable to railroad vehicles in which are loaded any permitted explosives or other dangerous articles in compliance with the ICC regulations governing such loading. For such stowages see § 146.07-7.

(e) The provisions of this section shall not be applicable to highway vehicles in which are loaded any permitted explosives or other dangerous articles in compliance with the ICC regulations governing such loading, or combustible liquids when loaded in compliance with the regulations in this part. For stowage of highway vehicles on board vessels see § 146.08-11.*

§ 146.06-10 *Labels.* Vessels or their owners, charterers or agents shall keep on hand an adequate supply of labels. Lost or detached labels shall be replaced from information given on shipping order, delivery receipt or transfer shipping paper applying to the shipment.*

§ 146.06-11 *"No smoking" signs.* Where smoking is prohibited during the loading, stowing, storing, transporting or unloading of explosives or other dangerous articles or substances by these regulations, the owner, master or person in charge of the vessel is required to cause "NO SMOKING" signs to be posted.*

§ 146.06-12 *Manifests required.* All vessels transporting or storing explosives or other dangerous articles or substances, and combustible liquids, as cargo, shall have on board during the period of transportation or storage a manifest, or list, upon which is correctly described all such articles as defined by these regulations. This record may be referred to as "Dangerous Cargo Manifest" or "Dangerous Cargo List".*

§ 146.06-13 *Form of manifest or list.* The manifest or list shall be a form containing spaces for all of the information required. If a vessel elects to show the information with regard to dangerous cargo as required by § 146.06-14 upon either the outward foreign manifest (Commerce Form 1374) or the inward foreign manifest (Customs Form 7527 (a) or (b)) or upon the vessel statement

(Commerce Form 1374a) and a copy of either of these papers is retained on board the vessel, such procedure, executed in conformance with the requirements of the regulations in this part will be considered as in full compliance: *Provided, however,* That separate sheets shall be allotted for entries of dangerous articles of cargo in order to segregate the record of such substances as are on board the vessel.*

§ 146.06-14 *Information required on manifests or lists.* (a) For vessels on foreign or intercoastal voyages the dangerous cargo manifest or list shall show thereon the following information:

- (1) Port and date of departure.
- (2) Nationality of vessel.
- (3) Name of vessel.
- (4) Net tonnage of vessel.
- (5) Official number (if any).
- (6) Custom House number (if any).
- (7) Name of master.
- (8) Vessel bound for.
- (9) Name of agent.
- (10) Address of agent.

(b) Entries of items descriptive of the dangerous cargo on board vessels on foreign or intercoastal voyages that appear upon the dangerous cargo manifest or list shall include the following information:

- (1) Name of consignor.
- (2) Name of consignee, or the marks and numbers when such marks and numbers are used in lieu of the consignee's name.
- (3) The true shipping name as given in the commodity list of these regulations for the substance.

(4) The number and description of packages (such as barrels, drums, cylinders, boxes, etc.)

(5) The gross weight of the package.

(6) The classification of the substance in accordance with these regulations (such as Explosives, Inflammable Liquid, Compressed Gas, Hazardous Article, etc.)

(7) Such classification shall be shown in enlarged size of letter and underlined in order to be easily distinguished upon the manifest. (As an example: INFLAMMABLE LIQUID.)

(8) Kind and type of label applied to the package. If no label is required, so state.

(9) The stowage actually provided for the substance on board the vessel.*

(c) For vessels on coastwise, rivers, bays, sounds, lakes, including Great Lakes, voyages the manifest or dangerous cargo list required to accompany a vessel navigating these waters shall show:

- (1) Port and date of departure.
- (2) Name of vessel.
- (3) Name of master.
- (4) Vessel bound for.

(5) True shipping name as given in the commodity list of explosives and other dangerous articles and combustible liquids herein for the substance or substances being transported.

(6) The number of packages or units.

(7) The classification of the substance in accordance with these regulations.

(8) The stowage actually provided for the substance on board the vessel.

(d) For barges the manifest or dangerous cargo list (or check list) required to accompany a barge in which explosives or other dangerous articles are stowed shall show at least the following information:

(1) Name or identification number of the barge.

(2) Destination of the barge.

(3) The true shipping name as given in the commodity list of explosives and other dangerous articles herein for the substance or substances being transported.*

§ 146.06-15 *Source of information shown on manifest or list.* (a) The information required to appear on a dangerous cargo manifest or list by the provisions of § 146.06-14 (b), (c) and (d) shall be the information actually furnished to the vessel by the shipper of the dangerous substances upon his bill of lading or other shipping paper; and the owner, charterer, agent, master or person under whose supervision the actual preparation of the manifest or list is made, shall cause the information required to be correctly transcribed.

(b) Every entry made upon the dangerous cargo manifest or list shall be a true statement to the best knowledge and belief of the master of the vessel. The provision of this paragraph shall not apply to barges.

(c) The master, shall, by his signature, acknowledge the correctness of the dangerous cargo manifest or list. The provisions of this paragraph shall not apply to barges.*

§ 146.06-16 *Completeness of manifest or list.* The dangerous cargo manifest or list shall have entered thereon every article of explosives or other dangerous articles or substances that is on board the vessel as cargo, and passenger vessels shall in addition show every article of combustible liquids in outside containers that is on board the vessel as cargo. No article of explosives or other dangerous articles or substances shall be on any vessel as cargo unless shown upon a manifest or list. No article of combustible liquid in outside containers shall be on board any passenger vessel as cargo unless shown upon the manifest or list.*

§ 146.06-17 *Produce manifest or list upon demand.* Any vessel transporting or storing explosives or other dangerous articles or substances including a passenger vessel transporting combustible liquids in outside containers shall, when in the navigable waters of the United States, have on board a dangerous cargo manifest or list describing such articles in accordance with the regulations in this part and shall produce the manifest or list upon demand of any officer of the Bureau of Marine Inspection and Navigation, Department of Commerce; Coast Guard, Department of the Treasury, or

any officer or employee of any executive department, independent establishment or agency of the government who is authorized by the Secretary of Commerce to enforce the provisions of the regulations in this part. The provisions of this section requiring the production of manifest or list on demand shall not apply to barges.*

§ 146.06-18 *Record copy of manifest or list.* Owners, charterers or agents of vessels transporting or storing explosives or other dangerous articles or substances, and combustible liquids, as cargo, shall retain ashore a copy of the dangerous cargo manifest or list and shall produce said manifest or list in accordance with the provisions of § 146.02-22.*

§ 146.06-19 *Cargo stowage plan or cargo stowage list.* Vessel owners, charterers or agents shall cause to be prepared a cargo stowage plan or cargo stowage list covering each ocean going voyage of any domestic cargo vessel transporting explosives or other dangerous articles or substances and of any domestic passenger vessel transporting such explosives, or other dangerous articles or substances or combustible liquids in outside containers. The cargo stowage plan or cargo stowage list shall show in all necessary detail the exact location of the stowage of such explosives, articles or substances. The descriptive name thereof as given in the commodity list herein shall be the name used to identify these explosives, or other dangerous articles or substances. Trade names, marks or other designations shall not be used to identify the dangerous cargo shown upon the stowage plan or list. When articles defined by the regulations in this part as dangerous are stowed in a compartment in which other cargo not of a dangerous nature is stowed, such other cargo that is stowed nearest adjacent to the dangerous articles of cargo shall be accurately described and identified on the stowage plan or list. At least one copy of the stowage plan or list shall be retained ashore and shall be produced in accordance with the provisions of § 146.02-22.*

§ 146.06-20 *Manifest—Storage vessels.* (a) Magazine vessels used for the storage of explosives and other vessels used only for the storage of other dangerous articles or substances shall be subject to the provisions of §§ 146.06-12, 146.06-16 and 146.06-17 applying to "Dangerous Cargo Manifest" or "Dangerous Cargo List."

(b) The dangerous cargo manifest or list for storage vessels shall show thereon the following information:

(1) Name and address of vessel's owner.

(2) Location of vessel's mooring.

(3) Name of person in charge of vessel.

(4) The number and description of packages, the true descriptive (shipping) name of the substances within the package and the name and address of the owner of the cargo.

(c) Storage vessel manifests or lists shall be kept in such form as will show a complete record, by time intervals of one week, of all receipts and disbursements of explosives or other dangerous articles or substances. The name and address of the consignor shall be shown against all receipts and the name and address of the consignee against all deliveries.*

RAILROAD VEHICLES LOADED WITH DANGEROUS SUBSTANCES AND TRANSPORTED ON BOARD CARGO VESSELS OR RAILROAD CAR FERRIES

§ 146.07-1 *Prohibited articles.* A railroad vehicle in which is loaded any explosives prohibited by subsection 3 of R.S. 4472, as amended, or any other explosive or dangerous articles or substances and combustible liquids not permitted by the regulations in this part shall not be accepted, transported, carried or conveyed on board any vessel.*

§ 146.07-2 *Permitted articles.* (a) A railroad vehicle in which is loaded any permitted explosive or other dangerous articles or substances as defined herein may be transported, carried or conveyed on board a cargo vessel provided there is compliance with the provisions of § 146.07-4 (a) and (b), § 146.07-6 (a) and (b) and § 146.07-7 (a), (b) and (c).

(b) A railroad vehicle loaded with explosives or other dangerous articles or substances, or combustible liquids shall not be transported, carried or conveyed on board a passenger vessel unless such explosives or other dangerous articles or substances, or combustible liquids are specifically permitted by these regulations to be transported, carried, or conveyed on board such vessel and provided there is compliance with the provisions of § 146.07-4 (a) and (b), § 146.07-6 (a) and (b) and § 146.07-7 (a), (b) and (c).*

§ 146.07-3 *Tank containers.* A railroad vehicle to which is attached a tank containing any explosives or other dangerous articles or substances as defined herein shall not be offered or accepted for transportation on board any vessel unless specifically permitted by the regulations in this part and when conforming to the provisions of § 146.07-4 (a) and (b), § 146.07-6 (a) and (b) and § 146.07-7 (a), (b) and (c).*

§ 146.07-4 *Acceptance on board vessels.* (a) The master, owner, charterer, agent or other person in charge of the vessel shall require the shipper or his agent or the delivering carrier to furnish a copy of the shipper's shipping order or a waybill prepared from information furnished in the shipper's shipping order before accepting any railroad vehicles in which are loaded explosives or other dangerous articles or substances as defined by the regulations in this part. This shipping paper shall have entered upon it the amounts and the true shipping name of the contents of the car, which name shall be in accordance with the names as shown in the commodity list herein, and the names of the consignor and the consignee. In lieu of the con-

signee's name, shipping marks may be substituted. A transfer shipping paper shall show sufficient information to identify the preceding shipping paper.

(b) The master or other person in charge of the vessel shall assign an officer of the vessel to supervise the acceptance and stowage of railroad vehicles containing explosives or other dangerous articles or substances and combustible liquids which are permitted by the regulations in this part to be transported on board a vessel. This officer shall examine all railroad vehicles for signs of leaking or sifting of contents. For tanks, he shall examine dome covers to ascertain they are fitted securely in place; check the valves, piping, and the tank for leakage; check the tank for any excess residue of lading adhering thereto. Any vehicles found to be leaking or which show sifting of contents or having excess residue of lading adhering thereto shall not be accepted for transportation.*

§ 146.07-5 *Empty tank railroad vehicles.* For conditions governing transportation of empty tanks, forming part of a railroad vehicle, which formerly contained a substance defined as dangerous by the regulations in this part, see § 146.27-100.*

§ 146.07-6 *Exemption of railroad vehicles from detail handling or stowage requirements.* (a) Detailed regulations governing handling and stowage of permitted explosives, inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases or poisons on board vessels do not apply to such substances loaded in railroad vehicles, provided such substances remain within the vehicle and are certified as being properly described by name and packed and marked and in proper condition for transportation according to the regulations prescribed by the Interstate Commerce Commission in effect at the time of shipment. This certification is required by the ICC regulations to be shown upon the original shipping order. Railroad vehicles moving under authority of a way bill or other transfer shipping paper may be accepted as conforming with this requirement of certification, provided the way bill or other transfer shipping paper shows thereon an identification of the preceding shipping paper.

(b) Detailed regulations governing handling and stowage of hazardous articles or combustible liquids on board vessels do not apply to such articles or substances loaded in railroad vehicles, provided such articles or substances are properly described by name and packed and marked and in proper condition for transportation according to the regulations in this part.*

§ 146.07-7 *Stowage of railroad vehicles.* (a) Railroad vehicles in which are loaded any permitted explosives or other dangerous articles or substances which are certified on the shipping papers as being described, packed, marked and labeled in accordance with the I.C.C.

regulations shall when taken on board a cargo vessel be stowed in accordance with the following provisions:

(1) *Explosives.* Vehicles loaded with permitted explosives are not required to be given magazine stowage. Such vehicles may be stowed "Under deck" and away from all sources of heat. Inflammable placarded vehicles (other than explosives), corrosive placarded vehicles, dangerous placarded vehicles and poison placarded vehicles shall not be stowed adjacent to vehicles loaded with explosives nor within a distance of two car lengths of vehicles loaded with explosives. In "anchoring" vehicles loaded with explosives securing means shall be fitted over the top of the car so as to completely secure the entire vehicle to prevent any movement of the body of the car.

(2) *Other Dangerous Articles.* Vehicles loaded with any other permitted dangerous articles shall be stowed on board the vessel in accordance with the stowages required in the tables for the substances within the vehicle. Such stowages are not feasible in each instance for railroad freight vehicles stowed below deck on cargo vessels and for the purpose of adopting these stowages to the conditions incident to transportation of railroad freight vehicles in this method of transportation a conversion table is shown in this paragraph. Permitted stowages as shown in the tables for the substance loaded within the vehicle may be converted in accordance with the table and when so converted the stowage in column 2 of subparagraph (3) may be utilized in lieu of the stowage indicated under column 1 of subparagraph (3).

(3) *Conversion table of stowage.*

(1) Substances required by the tables forming part of these regulations to be stowed as follows:	(2) May be stowed in the following locations when contained in railroad vehicles:
On deck in open.	Weather deck.
On deck protected.	Weather deck or 1st deck below.
On deck under cover.	Weather deck or 1st deck below.
Tween decks readily accessible.	Weather deck or 1st deck below.
Tween decks.	Any deck.
Cargo hatch trunkway.	Any deck.
Under deck.	Any deck.
Under deck but not overstowed.	Any deck.
Under deck away from heat.	Any deck but at least 1 car length from heat bulkhead.

(b) Stowage on board a railroad car ferry operating as a cargo vessel of railroad vehicles in which are loaded any permitted explosives or other dangerous articles or substances which are certified on the shipping papers as being described, packed, marked and labeled in accordance with the ICC regulations may be any location on the car deck away from heat.

(c) Stowage on board a railroad car ferry operating as a passenger vessel of railroad vehicles in which are loaded any permitted explosives or other dangerous

articles or substances which are certified on the shipping papers as being described, packed, marked and labeled in accordance with the ICC regulations or combustible liquids certified on the shipping papers as being described, packed, marked and labeled as required by these regulations shall be in a location on the car deck in accordance with the provision of "Ferry stowage (BB)" as shown in § 146.03-34 (1).*

§ 146.07-8 *Retain shipping papers.* The master or the officer in charge of accepting railroad vehicles on board a vessel shall endorse or otherwise identify as to date and trip the shipping paper under authority of which the vehicle was in transit on board the vessel, and the vessel operator shall retain such paper as a matter of record for at least one year. These shipping papers, after serving their purpose in the transportation of the vehicle, shall not be carried on board the vessel, but shall be retained ashore. See § 146.02-22.*

HIGHWAY VEHICLES LOADED WITH DANGEROUS SUBSTANCES AND TRANSPORTED ON BOARD VESSELS

§ 146.08-1 *Prohibited articles.* A highway vehicle in which is loaded any explosives prohibited by sub-section 3 of R.S. 4472, as amended, or any other explosive or other dangerous articles or substances and combustible liquids not permitted by the regulations in this part shall not be accepted, transported, carried or conveyed on board any vessel.*

§ 146.08-2 *Permitted articles.* (a) A highway vehicle in which is loaded any permitted explosives or other dangerous articles or substances as defined herein may be transported, carried or conveyed on board a cargo vessel provided there is compliance with the provisions of § 146.08-4 (a), (b), (c), and § 146.08-5.

(b) A highway vehicle loaded with explosives or other dangerous articles or substances, and combustible liquids shall not be transported, carried or conveyed on board a passenger vessel unless such explosives or other dangerous articles or substances, and combustible liquids are specifically permitted by the regulations in this part to be transported, carried or conveyed on board such vessels and provided there is compliance with the provisions of § 146.08-4 (a), (b), and (c).*

§ 146.08-3 *Tank containers.* A highway vehicle to which is attached a tank containing any explosives or other dangerous articles or substances as defined herein shall not be transported, carried or conveyed on board any vessel unless such explosives or other dangerous articles or substances are specifically permitted by these regulations and in compliance with the provisions of § 146.08-4 (a), (b) and (c).*

§ 146.08-4 *Acceptance on board vessels.* (a) The vessel owner, master, or officer in charge of accepting highway vehicles on board a vessel shall require the operator of the vehicle to present a

shipping paper which describes the lading of the vehicle in accordance with the regulations in this part and the provisions of paragraph (c).

(b) The owner or master of a vessel shall assign an officer of the vessel or other competent person to supervise the acceptance and stowage of highway vehicles containing explosives or other dangerous articles or substances and combustible liquids that are permitted by these regulations to be transported on board a vessel.

(c) *Highway vehicle carrier's statement.* The person in charge of a highway vehicle loaded with permitted explosives or other dangerous articles or substances and combustible liquids that it is desired to transport on board a vessel shall deliver to the master, his representative or other person in charge a shipping paper or true copy thereof describing the articles of lading within the vehicle. The information given shall include at least all of the following:

- (1) Date.
- (2) Name of highway vehicle owner.
- (3) Name of operator of vehicle.
- (4) Identification of vehicle (by mark or number or registration if a motor vehicle).

(5) Description of explosives or other dangerous articles and combustible liquids laden in the vehicle. This description shall be in accordance with the terms used in the regulations in this part and shall state the approximate weight or quantity of the dangerous articles within the vehicle and the shipping name of the dangerous substances in accordance with the commodity list herein.

(6) Such shipping paper shall bear the following certification over the written or stamped facsimile signature of the vehicle owner or his agent:

This is to certify that the above statement accurately describes the articles within this vehicle in accordance with the information furnished by the shipper thereof, and to the best of my knowledge there are no articles within this vehicle that are not permitted to be transported on board the vessel utilized in accordance with regulations of the Secretary of Commerce.*

§ 146.08-5 *Exemption of highway vehicles from detail handling or stowage requirements.* Detailed regulations governing handling and stowage of permitted explosives, inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, poisons, hazardous articles or combustible liquids on board vessels do not apply to such substances loaded in highway vehicles, provided such substances remain within the vehicle and are certified in accordance with the requirements of § 146.08-4 as being in proper condition for transportation according to the regulations in this part.*

§ 146.08-6 *Stowage of highway vehicles.* Highway vehicles in which are loaded any permitted explosives or other dangerous articles or combustible liquids which are certified by the vehicle operator in accordance with the provisions of

§ 146.08-4 shall when taken on board a vessel be stowed in accordance with the provisions for "Ferry stowage (AA)" as shown in § 146.03-34 (k).*

§ 146.08-7 *Empty tank containers.* For conditions governing transportation of empty tanks, forming a part of a highway vehicle, and which recently contained a substance defined as dangerous by the regulations in this part, see § 146.27-100.*

§ 146.08-8 *Control of highway vehicle.* (a) The operator or person in charge of a highway vehicle containing any of the permitted dangerous articles as defined by these regulations, when entering upon or while being transported upon any vessel, shall observe the following rules:

(1) Deliver to the vessel's representative the vehicle carrier's statement covering the lading of the vehicle as required by § 146.08-4.

(2) Drive the vehicle to the location indicated by the vessels' representative.

(3) Securely set the brakes of the vehicle to prevent movement.

(4) Shut off the motor and do not restart same until the vessel has completed its voyage and docked.

(5) Cut off all vehicle lights and do not relight same until the vessel has completed its voyage and docked.

(6) Remain with the vehicle.

(7) Make no repairs or adjustments to the vehicle while on board the vessel.

(8) Observe any instructions given by the vessel's representative during the voyage, or during "drive on" or "drive off" operations.

(b) Smoking by any person within the vehicle is prohibited.*

§ 146.08-9 *Private passenger type motor vehicles (automobiles).* Such vehicles shall not be offered or accepted for transportation on board passenger-carrying ferries while having within the automobile any permitted explosives (except permitted fireworks or small arms ammunitions) unless complying with all the provisions of the regulations in this part regarding such substances. Such automobiles shall not have within the vehicle any other dangerous articles or substances or combustible liquid as defined in the regulations in this part when being transported for hire except in compliance with the regulations prescribed herein. *Provided, however,* That such vehicles are exempt from the provisions of the regulations in this part with respect to descriptions, descriptive name, packing, marking, labeling, certification and the requirements of §§ 146.08-4 and 146.08-8 when having in the vehicle any permitted fireworks or small arms ammunition or any other dangerous articles or substances or any combustible liquid in tightly closed containers, provided such substances are not being carried by the automobile for hire. Such vehicles, their owners or operators shall, when entering upon and while being transported and when leaving a vessel, conform with all of the provisions of the regulations shown in the table,

§ 146.27-100 applying to the transportation of such vehicles.*

§ 146.08-10 *Cylinders laden in highway vehicles.* Cylinders of compressed gas of the type required by these regulations to have valve protection cap fitted in place on the cylinder may be transported on board ferry vessels without having the valve protection cap in place when said cylinders are laden in highway vehicles and are not removed from the vehicle while on board the vessel.*

§ 146.08-11 *Motor vehicles having refrigerating equipment.* (a) Motor vehicles, fitted with refrigerating equipment having an internal combustion engine as a source of motive power and using an inflammable liquid or gas as fuel, may be accepted for transportation and such refrigerating equipment may be operated while the vehicle is on board a vessel, provided the installation conforms with the following requirements:

(1) The installation is rigidly mounted and free of any movement other than normal vibration of operation.

(2) A "cut-off" switch, easily accessible to the operator of the vehicle, is fitted to the ignition supply source of the motor operating the compressor.

(3) The fuel storage tank, the fuel lines and the carburetor shall be tight and show no signs of leakage.

(b) Refrigerating equipment not fitted with automatic starting and stopping devices shall, if the vehicle operator desires the equipment to operate while on board the vessel, be started before the vehicle is taken on board. It may continue in operation while the vehicle is on the vessel, but if for any cause the motor ceases to operate it shall not be restarted until after the vehicle leaves the vessel.

(c) Vessels on voyages exceeding thirty (30) minutes duration shall provide a stowage for vehicles having refrigerating equipment operated by internal combustion engines as will permit ready diffusion of exhaust gases to the open air. Passenger vehicles shall not be stowed in a position adjacent to vehicles operating internal combustion motors as would expose the occupants thereof to excessive concentrations of exhaust fumes from such motors.

(d) The Master or person in charge of a vessel may, when he deems it necessary for any cause, require the vehicle operator to stop the operation of refrigerating equipment attached to a vehicle while on board the vessel.*

CARGO HANDLING AND STOWAGE DEVICES BUREAU OF MARINE INSPECTION AND NAVIGATION CONTAINER SPECIFICATIONS

§ 146.09-1 *Magazines, location of.* (a) Magazines shall be located in a hold, preferably an upper tween deck hold. They shall be so located as not to be in horizontal proximity to crew or passenger accommodations, nor below such living spaces. The term "tween deck" means all closed-in spaces below an uppermost deck in which a cargo hatch is fitted, which spaces are bounded by

permanent bulkheads, and through which there can be no traffic while at sea, and such spaces being included in the gross tonnage of a ship.

(b) Magazines may, upon approval by the Bureau, be built in a poop or shelter deck when it is included in the gross tonnage, and when not so included in the gross tonnage provided the openings are effectively closed and such poop contains no kind of crew accommodations or stores and is so closed off it is not liable to excessive temperature rises due to proximity of stack or uptakes. Magazines shall not be built on or under the principal bridge, whether included in the tonnage or not. Magazines occupying only a part of a hold shall not be built in the square of the hatch way. The stowage of smoke, incendiary and chemical shells without detonating ignition elements or explosive charges in the shelter deck is permitted under the conditions as set forth under Chemical Ammunition.

(c) Magazines shall not be constructed in bearing with the collision bulkhead, nor with a bulkhead forming a boiler room, engine room, coal bunker, or galley boundary. If it is necessary to construct a magazine in proximity to these bulkheads, a cofferdam space of at least four feet shall be provided between the bulkhead and the magazine side. This cofferdam space shall remain open to the free circulation of air, and no cargo shall be stowed as to hinder or obstruct such circulation of air. The height of magazines shall not exceed the normal tween deck height of contiguous decks, except by special permission of the Bureau. Magazines shall be so located that their doors are easily accessible from the hatchway. Proposed construction of magazines in locations other than in holds of ships, shall require an approval by the Bureau. Magazines may, upon approval of the Bureau, be built out to the sides of the vessel, but under such construction, the vessel's side plating and frames shall be sheathed with wood to provide a smooth bearing surface for the stowed cargo of explosives.*

§ 146.09-2 *Magazines, construction of.* (a) Magazines may be constructed of steel, iron, or wood, provided that if of steel or iron, the whole of the interior shall be thoroughly protected by wood sheathing of a minimum thickness of $\frac{3}{8}$ " so fitted as to form a smooth surface, free of projections, and true of line. When steel or iron decks are utilized to form the bottom of the magazines, a wooden floor shall be fitted; such floor may be portable and may be built in sections so as to be readily removable to allow access for cleaning.

(b) Magazines of wood; magazines constructed of wood shall comply with the following specifications:

(c) The bulkheads forming the sides and ends shall be constructed of commercial 1" quality lumber, dressed one side and both edges, secured to uprights of at least a 3" x 4" size, spaced not more than 18" apart, and similarly secured,

top, bottom and center, with horizontal bracing. Copper or cement coated nails with heads carefully set below the surface of the boards shall be used for fastening. When a magazine is constructed as a permanent compartment in the ship, increase size and finish of lumber and other methods of fastening may be used, provided they are recessed below the surface to avoid projections within the interior of the magazine. All boarding shall be so fitted and finished as to form a smooth surface within the interior of the magazine. Construction shall be such as to separate all containers of explosives from contact with metal surfaces. When a metal stanchion post or other obstruction is located within the interior area of the magazine, such obstruction must be completely covered with wood of a thickness of at least $\frac{3}{4}$ ", secured in place with copper or cement coated nails or brass screws, with heads set below the surface of the wood.

(d) Uprights shall not be stepped directly onto a metal deck. A 3" x 4" bearer to carry the uprights shall be laid upon the metal deck. A 3" x 4" header shall be fitted against the underside of an overhead deck to receive the tops of uprights. Tops of uprights fitted against channel beams may be wedged direct to the beam with 3" x 4" spacers fitted between. Care shall be taken in securing upright framing that no nails penetrate to the interior of the magazine.

(e) Flooring of magazines shall be of not less than $1\frac{1}{4}$ " stock, constructed on bearers and fitted portable (but tight to prevent movement).

(f) The door of the magazine shall be of substantial construction, fitted reasonably tight into its jamb, and be provided with locking means of a tamper-proof type.*

§ 146.09-3 *Entire hold forming magazine.* When an entire compartment or hold is utilized for the stowage of explosives that are required by the regulations in this part to be given magazine stowage, the entire compartment may be considered as a magazine. The frames and bulkhead stiffeners protruding into the compartment shall be effectively boarded over to provide a smooth surface for the stowage of the explosives. This boarding need not be applied to the over deck beams when the explosives are not stowed closer than (12) inches of such beams. If explosives are stowed up to the over deck beams and into the square of the hatch formed by the coaming such over deck beams including the hatch coaming shall be effectively boarded over. The installation of such boarding shall be in accordance with the specifications for the construction of a magazine, except when cargo battens are fitted to the vessel's shell or bulkheads forming part of the hold such boarding may be secured vertically using the battens as an anchorage for the necessary securing means.*

§ 146.09-4 *Ventilation of magazines.* Every magazine shall be efficiently ven-

tilated. Cowl deck ventilators, when fitted into or immediately adjacent to the magazine, shall be covered with a fine wire screen of not less than a 30 x 30 mesh at the weather end of the ventilator. Magazines which occupy only a portion of a hold and are not fitted with a ventilator entering into the magazine shall be so constructed on one side as to leave an open space of not more than one inch below the over deck frame.*

§ 146.09-5 *Metal lockers for stowage of fireworks.* Metal lockers required to be provided for the stowage of fireworks, (class B—less dangerous explosives) permitted by the regulations in this part to be accepted and transported on board passenger vessels, shall conform to the following specifications:

(a) Size: The cubic capacity of a locker shall not exceed 150 cubic feet.

(b) Division: Lockers exceeding 5 feet in height shall be fitted with a division shelf at about $\frac{1}{2}$ height so constructed as to carry the imposed load without deflection.

(c) Gauge: The thickness of metal used in the construction of lockers shall not be less than No. 16 U. S. S. Gauge.

(d) Type of Construction: Design and construction of lockers shall be such as to provide smooth interior surfaces. Stiffener elements, when fitted, shall not project beyond interior surfaces. Lockers shall be fitted with top and bottom closures except when "built in" to the structure of the vessels with the over and under deck forming the top and bottom of the locker. "Built in" construction shall not be accepted when the over or under deck is of wood.

(e) Closures: Closing means may be removable plates or the hinged door type, provided that in either case the locker shall, when closed in, be flame tight. Lockers having portable plate closing means shall have an opening provided in an accessible side of the locker to permit insertion of a fire hose nozzle for purpose of flooding. Such opening shall be of at least 3' in diameter, not more than 12' below the top of the locker, and be fitted with a metal flap cover to substantially preserve the flame tight requirement.

(f) Location: Lockers shall be so located as to be readily accessible to companionways or cargo hatches. When fitted in vessels constructed of wood the lockers shall be so located as to be easily observed by a watchman on his rounds. Lockers shall be secured in place to prevent shifting in a seaway.*

§ 146.09-6 *Portable magazine chest.* Portable Magazines shall be of a size not greater than 60 cubic feet capacity. They may be constructed of wood or of metal lined with wood. When constructed of wood, the frame, bottom and siding shall be in accordance with scantling requirements as given for magazines. A strong close fitting, hinged cover, reinforced with wooden battens (at least $1\frac{1}{4}$ " thick x 5" wide) shall be fitted.

Effective locking means shall be provided for the cover. At least four (4) pad eyes with lashing rings, not less than 3" I. D. x 3/8" wire, shall be permanently attached to the magazine. When constructed of metal, the minimum thickness shall not be less than 10# plating. The interior shall be lined with wood sheathing of a minimum thickness of 3/4". Securing means shall be countersunk below the surface of the sheathing. Locking means for the cover and lashing rings shall be provided as detailed above. All inside surfaces of magazines shall be smooth and free of nails, screws, or other projections. Magazine chests used for the stowage of flares, rockets, and powder for Lyle guns shall be marked, in letters at least 3" high, with the following legend: "INFLAMMABLE—KEEP LIGHTS AND FIRE AWAY".*

§ 146.09-7 Specifications of moisture proofed paper bags.

SPECIFICATION MIN-W10

MOISTURE PROOFED MULTIWALL PAPER BAGS FOR TRANSPORTATION OF QUICKLIME BY WATER

General

1. *Compliance.* Containers must comply with, or may exceed, details of the specifications.

2. *Capacity.* Not over 100 pounds net.

Material

3. *Paper.* Kraft (100% sulfate) paper.

4. *Moisture proofing.* Asphalt or other material equal or superior to asphalt.

Construction

5. (a) *Description.* A multiwall paper bag constructed of not less than four plies, one or more of which will be moisture proofed.

(b) *Assembly of moisture proofed ply.* The assembly of the moisture proofed ply will be accomplished by combining two sheets of Kraft (100% sulfate) paper having a basis weight of not less than 20 pounds each with not less than 25 pounds of asphalt applied evenly to the paper surface.

(c) *Alternate moisture proofed ply.* Any other moisture proofed Kraft paper of a total basis weight of not less than 40 pounds before treatment, whose moisture proofed qualities are equal or superior to the above asphalt treated paper as determined by the Thwing Vapometer test for moisture-vapor transmission.

(d) *Additional plies.* Remaining plies of the bag will be constructed of Kraft (100%) sulfate paper, each sheet having a basis weight of not less than 40 pounds, and a Kady or Mullen test of 40 pounds per square inch. The combined weight of said remaining plies to be not less than the weights given in the following table:

Combined weight of remaining plies in addition to moisture proofed ply described in (5) (b)

Approximate weight of contents:	
To and including 50 pounds...	130 pounds
51 pounds to and including 80 pounds.....	150 pounds
81 pounds to and including 100 pounds.....	170 pounds

All weights given are on the basis of 480 (24 x 36 inch) sheets.

(e) *Longitudinal seams.* Longitudinal seams made by lapping not less than one inch and pasting.

(f) *Bottom closure.* Bottom closure made by folding and interlapping and pasting; or taped sewed and dipped in a waterproofing compound; or sewed and taped over stitching.

(g) *Top closure.* By wire ties consisting of not less than two No. 16 Birmingham wire

gauge or heavier wires; or by valve mouth with top of bag folded and interlapped and pasted; or by valve mouth with top of bag taped, sewed and dipped in waterproofing compound; or sewed and taped over stitching.

6. *Test.* The finished container, filled and closed, must be capable of withstanding a drop test of 4 feet on the butt without sifting or rupture of any ply.

Marking

7. *On each container.* By marks at least one inch high as follows:

(a) *Min-W10.* This marking shall be understood to certify that the container complies with all specification requirements.

(b) Name and address of maker located above or below the mark specified in (7) (a).*

§ 146.09-8. Specifications of moisture proofed paper lined burlap bags.

SPECIFICATION MIN-W11

MOISTURE PROOFED PAPER LINED BURLAP BAGS FOR TRANSPORTATION OF QUICKLIME BY WATER

General

1. *Compliance.* Containers must comply with, or may exceed, details of the specifications.

2. *Capacity.* Not over 100 pounds net.

Material

3. *Burlap.* At least equal in equality and strength to 7 1/2 ounce 40 inch (7 1/2/40) Calcutta common burlap. Thread count at least 9 per inch warp and 9 per inch filler.

4. *Paper.* No. 1 Kraft creped. Finished weight of 40 pounds per ream (480 sheets 24 x 36 inch) after creping.

Construction

5. (a) *Description.* Burlap bag lined with a water proofed paper lining.

(b) *Assembly of moisture proofed lining.* The assembly of the moisture proofed lining will be accomplished by combining two plies of creped paper having a finished weight of not less than 40 pounds each, evenly coated between the two plies with asphalt of any desirable type, of minimum 150° F. melting point, over the entire area of paper, with minimum coverage of 110 pounds per ream.

(c) *Assembly of moisture proofed ply and burlap.* The burlap will be lined with the moisture proofed creped paper by cementing together with a suitable latex compounded adhesive to securely attach paper lining to the burlap.

(d) *Stretch of paper lining.* After they are cemented to the burlap the stretch of the paper lining must equal the stretch of the burlap in the direction of the warp and filling and equal to 10% in a diagonal direction.

(e) *Seams.* Bags must be made with cemented center seams and taped bottoms to make them sift proof and airtight and to provide strength at least equal to the bag material.

(f) *Closure.* Bags to be wire tied with two No. 16 Birmingham wire gauge or heavier wire ties.

6. *Test.* The finished container, filled and closed, must be capable of withstanding a drop test of 4 feet on the butt without sifting or rupture of any ply.

Marking

7. *On each container.* By marks at least one inch high as follows:

(a) *MIN-W11.* This marking shall be understood to certify that the container complies with all specification requirements.

(b) Name and address of maker located above or below the mark specified in (7) (a).*

§ 146.09-9 Specifications of steel barrels or drums for export shipments.

SPECIFICATION MIN-W20

STEEL BARRELS OR DRUMS SINGLE TRIP CONTAINER

Authorized only for Export Shipments of Inflammable or Combustible liquids as permitted by the regulations of the Secretary of Commerce.

(Removable head containers are not authorized)

General

1. *Compliance.* Required in all details.

2. *Rated capacity.* As marked, see paragraph (10) (c)—actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2%, nor greater than rated capacity plus 2%, plus 1 quart.

Material

3. *Composition.* Sheets for body and heads to be low carbon, open hearth or electric steel.

4. *Weight of sheets.* Average draft weight not less than as follows:

Gage, U. S. Standard No.....	18
Standard weight per sq. ft. (pounds)...	2.00
Authorized tolerances (per cent).....	3 1/2

Construction

5. (a) *Seams.* Body seams welded.

(b) Head and chime seams welded or double-seamed.

6. *Parts and dimensions.* As follows:

Marked capacity not over (gallons)..... 55
Type of container..... St. side
Minimum thickness in the

Black..... Body sheet: 18
(gage U. S. Standard)..... Head sheet: 18

Type of Rolling hoops..... Rolled or swedged in hoops

7. *Flat or convex heads.* When heads are convex (crowned) they shall not extend within 1/4 inch of the chime level; maximum convexity 1 1/2 inch for 55-gallon drums.

8. (a) *Closures.* Adequate to prevent leakage; gaskets required.

(b) *Closing part (plug, cap, plate, etc.) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.3" diameter and the closing part is constructed, or fitted with sealing device, so that it cannot be removed without destroying it or the sealing device. (*This does not apply to a cap seal over a closure when closure complies with all requirements.)

(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug, or cap, must have 3 or more complete threads; two drainage holes of not over 1/16" diameter are allowed only in flanges having at least 5 threads. Plug, or cap, must have sufficient length of thread to engage 3 threads when screwed home with gasket in place.

(d) Closure must be of screw-thread type or fastened by screw-thread device.

9. *Defective containers.* Leaks and other defects to be repaired by method used in constructing containers not to be soldered.

Marking

10. *On each container.* By embossing on head with raised marks as follows:

(a) *MIN-W20.* This mark shall be understood to certify that the container complies with all specification requirements. The letters STC located just below or above the MIN mark to indicate "single trip container".

(b) Name or symbol of maker.

(c) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example, 18-55-41).

(d) Steel barrels or drums manufactured prior to April 9, 1941, which are in compliance with this specification except as to marking may be accepted as permitted by these regulations without necessity of having the marking embossed on the head in raised letters. The shipping paper shall, however, certify that the drum is in compliance.

11. *Size of markings (minimum).* 3/4 inch high.

Tests

12. *Type tests.* Samples, taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be repeated every four months. Samples last tested to be retained until further tests are made. The type tests are as follows:

(a) Test by dropping filled with water to 98% capacity from height of 4 feet onto solid concrete, so as to strike diagonally on chime seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(b) Hydrostatic pressure test of 15 pounds per square inch sustained for 5 minutes.

13. *Leakage test.* Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior pressure of at least 7 pounds per square inch. Leakers shall be rejected or repaired and retested.*

§ 146.09-10 Specifications of wooden box for export shipments.

SPECIFICATION MIN-W30

WOODEN BOXES FOR TWO FIVE-GALLON CANS AUTHORIZED ONLY FOR EXPORT SHIPMENTS OF INFLAMMABLE LIQUIDS AS PERMITTED BY THE REGULATIONS OF THE SECRETARY OF COMMERCE

1. *Description.* Wooden case for two five-gallon tin cans to be used for export shipment of inflammable liquids.

2. *Compliance.* Required in all details.

3. *Closed box.* Parts and pieces to be in close contact.

4. *Ends.* To be of Group I, II or III wood not over 2-piece.

5. *Sides, top and bottom.* To be of Group I, II or III wood not over 3-piece.

6. (a) *2-piece ends.* Joints must be fastened with at least 3 corrugated fasteners.

(b) *Corrugated fasteners.* To be 1" wide and with penetration of 1/2 inch.

7. *Lumber.* To be well seasoned, commercially dry, and free from decay, loose knots, knots that would interfere with nailing, and other defects that would materially lessen the strength.

8. Groupings of principal woods.

Group I

White pine	Willow
Norway pine	Noble fir
Aspen (popple)	Magnolia
Spruce	Buckeye
Western (yellow) pine	White fir
Cottonwood	Cedar
Balsam fir	Redwood
Yellow poplar	Butternut
Chestnut	Cucumber
Sugar pine	Alpine fir
Cypress	Lodgepole pine
Basswood	Jack pine

Group II

Southern yellow pine	North Carolina pine
Larch (Tamarack)	Douglas fir
Hemlock	

Group III

White elm	Black gum
Red gum	Black ash
Sycamore	Tupelo
Pumpkin ash	Maple—soft or silver

Group IV

Hard maple	Birch
Beech	Rock elm
Oak	White ash
Hackberry	Hickory

9. *Width of pieces.* At least 2" for sides top and bottom if in two pieces, or 2 3/8" for tops and bottoms and at least 4" for sides if in three pieces.

10. *Thickness of lumber.* As follows:

(a) *Ends.* Thickness to be not less than 3/4" for Group I or II lumber and 11/16" for Group III lumber.

(b) *Sides, top and bottom.* Thickness to be not less than 3/8".

11. *Assembly.* By nailing with either bright or cement-coated nails, size and spacing as follows:

Top to each end: 5 nails (1 1/2" by 12 1/2 gauge).

Bottom to each end: 6 nails (1 3/4" by 12 gauge).

Sides to each end: 6 nails (1 1/2" by 12 1/2 gauge).

12. *Marking.* On each box in letters and figures at least 1/2" high in a rectangle as follows:

MIN—W 30

(This mark shall be understood to certify that case complies with all specification requirements)

Inside Can

Size: Approximate dimensions 9 3/8 x 9 3/8 x 13 15/16 inches.

Approximate capacity: 1,188 cu. in.

Top: Embossed.

Seams: Crimped and soldered.

Closure: Airtight and leakproof.

Handles: Wire.

Bottom: Embossed.

Seams: Crimped and soldered.

Body: Paneled on 4 sides.

Two seams: Clinched and soldered.

Material: 10 (107 lb.) tin or terneplate.

Average Weight: 2 lbs. 8 oz.

Marking: No specification marking required.*

§ 146.09-11 Chutes for explosives.

Chutes for loading and unloading explosives shall be constructed as follows: Of smooth planed boards not less than 1" thick. Side guards of the same material 4" high. Assembly shall be with brass screws only. "D"-shaped wooden strips or runners not more than 6" apart and running lengthwise of the chute shall be fastened to the upper surface of the slide

by means of glue and wooden dowels extended through the bottom of the chute. No metallic means of construction shall protrude beyond the inner face of the chute. Four lashing rings shall be provided, one at each outside corner of the chute for purposes of securing during use. No specification marking required.*

§ 146.09-12 *Mattresses for explosives.* Landing mattress for loading or unloading explosives. A stuffed mattress at least 4' wide by 6' long and not less than 4" thick, or a heavy jute or hemp mat of like dimensions, are acceptable landing mattresses.*

BARGES

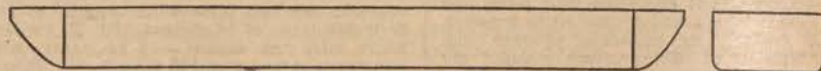
§ 146.10-1 *Barge defined.* See § 146.03-36.*

§ 146.10-2 *Application of regulations.* In the transportation of explosives or other dangerous articles or substances on board barges the provisions of the regulations in this part applying to cargo vessels are applicable to barges unless specifically exempted and except as to stowage. Stowage shall be in accordance with the provisions shown in the table § 146.10-50.*

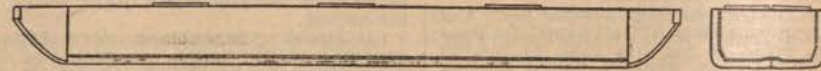
§ 146.10-3 *Barges classified.* Various types of "barges" are for the purpose of the regulations in this part classified as follows:

Class "A" Barges

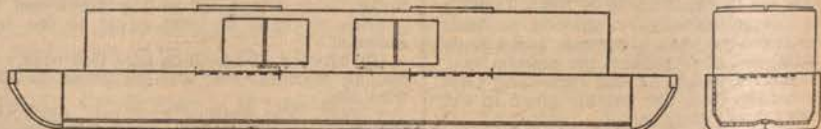
AA Hull constructed of steel or wood, completely decked over and stowing cargo "On deck in open" only.



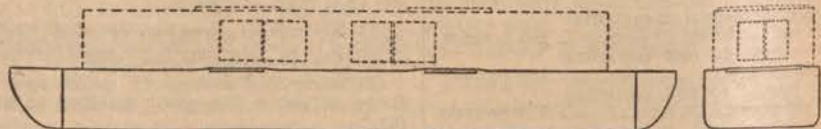
AB Hull constructed of steel or wood, completely decked over, fitted with cargo hatches, ceiled holds, and capable of stowing cargo "Under deck" or "On deck in open".



AC Hull constructed of steel or wood, completely decked over with superstructure house covering the deck and fitted with cargo hatches or cargo doors, and capable of stowing cargo "On deck in open", "Under deck" in ceiled holds or "On deck within the house".

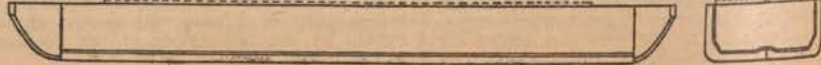


AD Hull constructed of steel or wood, completely decked over, fitted with cargo hatches, with or without superstructure house covering the deck, and capable of stowing cargo "On deck" or "On deck within the house" or "Under deck", having holds that are not ceiled.

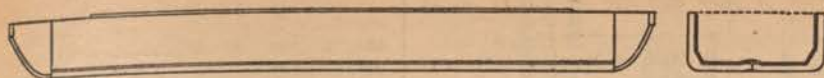


Class "B" Barges

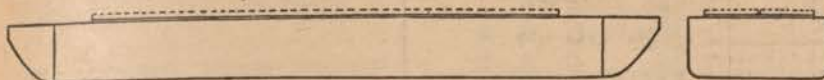
EA Hull constructed of steel or wood with partial deck at ends and/or sides, fitted with hatches with or without coaming and having ceiled holds and loading cargo "Under deck" only.



BB Hull constructed of steel or wood with partial deck at ends and/or sides, with open celled hold or holds.

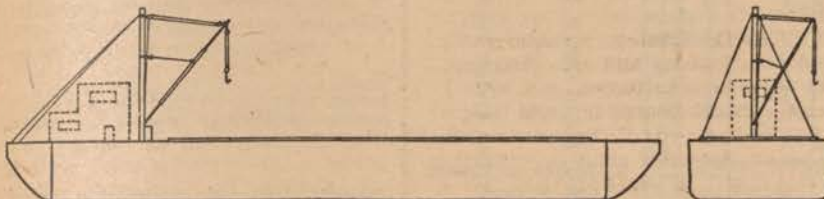


BC Hull constructed of steel or wood with partial deck at ends and/or sides, with or without hatches and having hold or holds without ceiling.

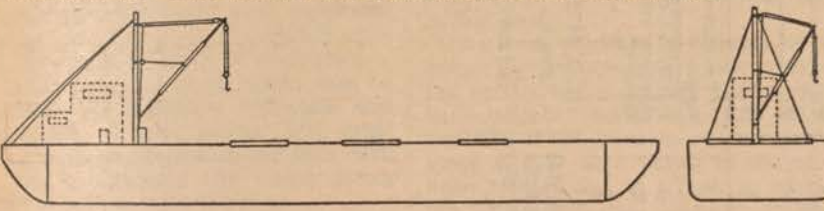


Class "C" Barges

CA Hull constructed of steel or wood, completely decked over and stowing cargo "On deck in open" only, fitted with cargo mast and boom, and machinery for cargo handling, with or without house or houses on deck.

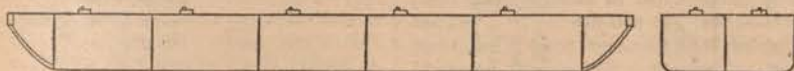


CB Hull constructed of steel or wood, completely decked over, having cargo hatches in deck, and stowing cargo "On deck in open" or "Under deck", fitted with cargo mast and boom and machinery for cargo handling, with or without house or houses on deck.

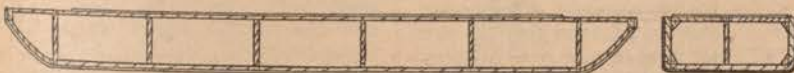


Class "D" Barges

DA Hull constructed of steel having division bulkheads forming tight compartments (tanks) integral with the hull of the barge, to be utilized for the transportation, in bulk, of dangerous substances in liquid form, other than inflammable and combustible liquids.

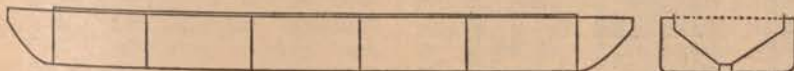


DB Hull constructed of wood having division bulkheads and ceiling forming tight compartments integral with the hull of the barge, to be utilized for the transportation, in bulk, of dangerous substances other than liquids.

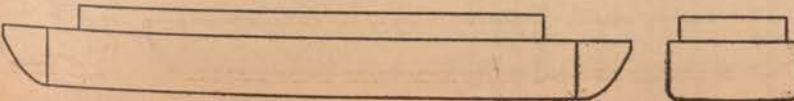


Class "E" Barges

EA Hull constructed of steel or wood, having cargo carrying compartments of hopper type and fitted with bottom dump or side dump (known as dump scows, mud scows, garbage scows, etc.).



EB Barge constructed of wood completely decked and having boxlike structure on deck not roofed over.



The term "Ceiled" applied to a barge constructed of wood means the hold space is fitted with a tight plank floor and that tight planking or wooden cargo battens are carried up the sides of the hold to provide a smooth floor and reasonably smooth sides without unnecessary projections. Floor or siding fitted "tight" shall have removable sections for purposes of clean-out and access for inspection of hull. When cargo battens are fitted at sides the floor shall be carried out to the skin of the barge and fitted reasonably tight around the frames.

When applied to a barge constructed of steel, the term "Ceiled" means the construction shall be such as to provide a reasonably flush floor or tank top and sides, free from unnecessary projections within the cargo space. Tight wooden flooring and ceiling or battens may be fitted in the cargo spaces of steel barges in lieu of steel platings.*

§ 146.10-4 *Carfloats.* (a) Explosives or other dangerous articles or substances laden in railway vehicles in compliance with the provisions of the ICC regulations governing such transportation may be transported, carried or conveyed on board carfloats having railroad tracks secured in place on deck: *Provided, however,* Such carfloats shall not be utilized to transport, carry, convey, or store any explosives expressly prohibited by subsection 3 of R.S. 4472, as amended, or any other explosive or other dangerous article or substance unless in compliance with the provisions of the regulations in this part with respect to "Barges".

(b) Substances laden in railroad vehicles being transported on board railroad carfloats are not subject to any other provisions of the regulations in this part unless the packages, or the substances if in bulk, are removed from the railroad vehicles for any reason other than to transfer the article or substances from the railroad vehicle to a vessel.*

§ 146.10-5 *On deck protection.* Wooden barrels, wooden or fiberboard boxes, fiber drums, plywood drums containing explosives, inflammable liquids, inflammable solids or oxidizing materials or poisons that are stowed "On deck in Open" on barges shall be protected by tarpaulins. The following hazardous articles, burlap bags, camphene, calcium carbide, bleaching powder, cork, cotton, cotton and textile waste, excelsior, fibers, hay, naphthalene, oakum, wood shavings shall when stowed "On deck in Open" on barges be protected by tarpaulins.*

§ 146.10-6 *Stowage of explosives.* (a) Barges having cargoes of permitted explosives and other dangerous articles are required to observe the provisions of the stowage and storage chart of explosives and other dangerous articles, § 146.20-50.

(b) Explosives required by the regulations in this part to be stowed in magazines shall when on board barges as cargo be stowed either in a house or "Under deck" as permitted for the particular type of barge by the provisions of table shown in § 146.10-50.*

§ 146.10-50 *Storage of Explosives or Other Dangerous Articles or Substances on Board Barges*

There is indicated in this table the explosives or other dangerous articles or substances, separated according to their classification, that are permitted or restricted in their transportation and stowage on board the various class barges. Unless otherwise stated in the table, a permitted stowage applies to substances when in containers only. When such substances are permitted "in bulk" a notation to that effect appears in the table. ("In Bulk" means substances which are loaded and carried without benefit of containers or wrappers, and received and delivered by the vessel without mark or count.)

Substances	Label	Class "A" barge				Class "B" barge			Class "C" barge			Class "D" barge		Class "E" barge	
		AA	AB	AC	AD	BA	BB	BC	CA	CB	DA	DB	EA	EB	
Explosives	See table in 146.20.	Yes	Yes	Yes	On deck only	Yes	Yes	No	No	No	No	No	No	No	
Inflammable liquids	Red	Yes ¹	Yes ²	Yes	On deck only ¹	Yes	Yes ¹	No	Yes ¹	Yes ¹	No ¹	No	No	No	
	Yellow	Yes ¹ (1)	Yes ²	Yes	No	Yes	No	No	Yes ¹	Yes ¹	Yes	Yes	No	No	
Inflammable solids and oxidizing materials	White	Yes, also bulk in tanks. ¹	Yes, also bulk in tanks. ¹	Yes, also bulk in tanks.	No, except bulk in tanks.	Yes, also bulk in tanks.	Yes, also bulk in tanks. ¹	No, except bulk in tanks.	Yes ¹	Yes ²	Yes	No	No	No	
Corrosive liquids		Yes	On deck only	Yes ¹	On deck only	No	No	No	Yes	On deck only.	No	No	No	No	
Inflammable compressed gases	Red gas	Yes	Yes	Yes	On deck only	Yes	Yes	No	Yes	Yes	No	No	No	No	
Non-inflammable compressed gases.	Green gas														
Poisonous articles:															
Class "A"	"Poison gas" or "Poison"	Yes ¹	Yes ²	Yes	On deck only ¹	Yes	Yes ¹	No	Yes ¹	Yes ¹	No	No	No	No	
Class "B"	"Tear gas"	Yes ¹	Yes ²	Yes	On deck only ¹	Yes	Yes ¹	No, except bulk in tanks.	Yes ¹	Yes ¹	Yes	Yes, except liquids	No	Yes	
Hazardous articles	No label required	Yes ¹	Yes ²	Yes	On deck only ¹	Yes	Yes ¹	No	Yes ¹	Yes ¹	Yes	Yes	No	Yes	

¹ Outside containers vulnerable to damage by water shall not be given this stowage.

² Outside containers vulnerable to damage by water shall be stowed under deck only.

³ Outside containers vulnerable to damage by water shall be stowed under cover only.

⁴ Substances affected by water shall not be given this stowage.

⁵ Substances affected by water shall be stowed under deck only.

⁶ Substances affected by water shall be stowed under cover only.

⁷ Stowage shall be "on deck in house" only.

⁸ Transportation of inflammable or combustible liquids, in bulk is governed by Rules and Regulations for tank vessels.

⁹ Containers of dangerous articles vulnerable to damage by water or dangerous substances affected by water when loaded in weatherproof railroad vehicles in accordance with requirements of the Interstate Commerce Commission regulations are exempt from the provisions of stowage restrictions shown in this table and numbered (1) to (7) inclusive.

* The detailed regulations governing explosives, inflammable liquids, inflammable solids and oxidizing materials, corrosive liquids, compressed gases, poisonous articles, combustible liquids, hazardous articles, and Part 147 (use of dangerous articles as ships' stores and supplies on board vessels), will appear in succeeding issues *

(R. S. 4472, as amended; act of Oct. 9, 1940, Pub. 809, 76th Cong.; 54 Stat. 1023)

[SEAL]

WAYNE C. TAYLOR,
Acting Secretary of Commerce.

JANUARY 7, 1941.

[F. R. Doc. 41-154; Filed, January 7, 1941; 11:48 a. m.]

CHAPTER II—UNITED STATES
MARITIME COMMISSION

[General Order No. 37]

PART 275—OUTFITTING MATERIALS AND
EQUIPMENT FOR CONSTRUCTION-DIFFERENTIAL
SUBSIDY VESSELSPROCEDURE RELATING TO PURCHASE OF OUT-
FITTING MATERIALS AND EQUIPMENT, TO
BE OBSERVED BY THE PURCHASERS OF
VESSELS

§ 275.1 *Foreword.* In order that purchasers of vessels under Title V of the Merchant Marine Act, 1936, as amended, may obtain credit allowance and the benefit of the construction-differential subsidy on account of expenditures made or obligations incurred by the Buyer for outfitting materials or equipment purchased for vessels under contract to the Maritime Commission, the procedure outlined herein shall be followed.*

*§§ 275.1 to 275.4, inclusive, issued under authority contained in the Merchant Marine Act, 1936, as amended, particularly section 204 (b) thereof (49 Stat. 1985; 46 U.S.C. Sup. 1114.)

§ 275.2 *Purchases by Commission.* Where the contract or specifications provide that outfitting materials or equipment shall be furnished by the Maritime Commission or the Buyer, the Commission shall make such purchases unless the Buyer is specifically authorized to do so by the Commission.

When the Commission undertakes to purchase the outfitting materials and equipment, it shall follow the usual practice as to advertising for bids with a view to obtaining the lowest prices upon the proper specifications.

§ 275.3 *Purchases by buyer.* Where the Buyer desires to make the purchases of outfitting materials and equipment, the Buyer shall, before making such purchases submit a budget in detail with complete specifications to the Maritime Commission and obtain approval therefor and in connection with such approved items, the Buyer shall follow a practice in purchasing satisfactory to the Commission and designed to obtain the lowest available prices based upon the specifications.

§ 275.4 *Prior purchases.* Purchasers of vessels under Title V of the Act who prior to the effective date of this General Order have purchased for the vessel outfitting materials and equipment or made commitments therefor prior to the delivery of the vessel, should immediately submit a list of the Buyer-furnished outfitting materials and equipment to the Commission, showing the vendor; vendor's address; date purchased; quantity; article; unit price (net) of each item; total net price; reference in the Construction Contract specifically covering each item; whether such items were purchased with or without competitive bidding; competitive prices; and other information which may be of value to the Commission, in order that the Commis-

sion may determine the amount, if any, to be included in computing the cost of such vessel and the construction-differential subsidy.

By Order of the United States Maritime Commission.

[SEAL]

W. C. PEET, Jr.
Secretary.

JANUARY 10, 1941.

[F. R. Doc. 41-232; Filed, January 10, 1941;
10:30 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-336]

PETITION OF ROBINSON COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 15, FOR REVISION OF EFFECTIVE MINIMUM PRICES FOR CERTAIN COALS OF ITS MOHAWK MINE (MINE INDEX NO. 89) IN SAID DISTRICT

NOTICE OF AND ORDER FOR HEARING ON TEMPORARY AND PERMANENT RELIEF

A petition requesting temporary and permanent relief, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above named party,

It is ordered, That a hearing on the prayer for temporary and permanent relief in the above entitled matter under the applicable provisions of said Act and the rules of the Division be held on February 4, 1941, at 2 o'clock in the afternoon of that day, at a hearing room of the Bituminous Coal Division, at Room 531, Federal Building, Kansas City, Missouri.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law; *Provided, however,* That the prayer for temporary relief shall be reserved within the jurisdiction of the Director, for such action as he may deem appropriate, at any time during the course of the proceedings in the above entitled matter.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party

herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 30, 1941.

All persons are hereby notified that the hearing in the above entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of the petition hereinbefore filed.

The matter concerned herewith is in regard to the question of revising effective minimum prices for certain coals, namely, 1¼" x 0, washed screenings, of the Mohawk Mine (Mine Index No. 89) of the Robinson Coal Company, a code member in District No. 15.

Dated: January 9, 1941.

[SEAL]

H. A. GRAY,
Director.[F. R. Doc. 41-221; Filed, January 9, 1941;
2:31 p. m.]

[Docket No. A-406]

DISTRICT BOARD NO. 2 FOR A CHANGE IN MINIMUM PRICES ESTABLISHED FOR COALS OF ITS CODE MEMBERS WHEN SHIPPED BY TRUCK TO THE BEEHIVE COKE OVENS IN MARKET AREA 7

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party:

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 28, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other rec-

ords deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 23, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a petition filed pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 by the Bituminous Coal Producers Board for District No. 2 for a modification of minimum prices and the establishment of a by-product price of \$2.00 per ton for all coals in all size groups when shipped by truck to the Beehive Coke Ovens in Market Area 7.

Dated: January 9, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-222; Filed, January 9, 1941;
2:31 p. m.]

[Docket No. A-417]

PETITION OF H. M. FORSYTH, A CODE MEMBER IN DISTRICT NO. 1, FOR REVISION OF EFFECTIVE MINIMUM PRICES IN SIZE GROUPS 1 THROUGH 5

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on February 7, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502

will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 2, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to petitioner's request for a reduction in the price of his coal to the same price as now effective for nearby mines mining the same seam of coal.

Dated: January 9, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-224; Filed, January 9, 1941;
2:32 p. m.]

[Docket No. A-520]

PETITION OF THE WHEELING TOWNSHIP COAL MINING COMPANY, A CODE MEMBER IN DISTRICT NO. 4, FOR REVISION OF PRICES OF COAL IN SIZE GROUP 8 FOR SALE TO THE PLANT OF THE DU PONT COMPANY AT BUFFALO, NEW YORK

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed

with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on February 10, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records, deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 22, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the request of petitioner for a reduction of 20 cents per ton in the effective minimum price for coal in Size Group 8 when shipped for industrial steam use to the plant of the duPont Company located in Buffalo, New York.

Dated: January 9, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-223; Filed, January 9, 1941;
2:31 p. m.]

[Dockets Nos. A-63 to A-68]

PETITIONS OF CARRIER AND SON, P. AND G. COAL COMPANY, A. D. GRASSO, ELBA COAL COMPANY, CLARION COAL MINING COMPANY, AND WOLF-O-LACK COAL COMPANY FOR THE ESTABLISHMENT AND REVISION OF EFFECTIVE CLASSIFICATIONS OF MINIMUM PRICES FOR THE HARLAN, P. AND G., ELBA, DOCSMITH, AND LONE TREE MINES (MINE INDEX NOS. 197, 604, 599, 136, AND 603, DISTRICT NO. 1) AND THE HERCULES MINE, AND FOR THE ESTABLISHMENT OF SPECIAL CLASSIFICATIONS AND EFFECTIVE MINIMUM PRICES FOR SO-CALLED "CROP" COAL PRODUCED BY THE PETITIONERS

MEMORANDUM AND ORDER CONCERNING MODIFICATION OF TEMPORARY RELIEF

The original petitioners in the above-entitled matter prayed for issuance by the Director of preliminary or temporary and final orders relieving the classifications and the effective minimum prices established for the coals of the Harlan, P. and G., Elba, Docsmith, Lone Tree, and Hercules mines (Mine Index Nos. 197, 604, 599, 136, 603, and 644), all in District No. 1; establishing "J" classifications and corresponding effective minimum prices for the coals of said mines; and establishing special classifications and effective minimum prices for so-called "crop" coals produced by petitioners. Pursuant to the Rules and Regulations Governing Practice and Procedure in 4 II (d) Proceedings, particularly § 301.106 (d) thereof, an informal conference concerning the prayers for temporary relief was held on October 11, 1940. Thereafter, and upon full consideration of all pleadings and the report of the conference, an Order was entered on October 19, 1940, denying temporary relief at that time.

Pursuant to a Notice and Order of October 14, 1940, a hearing on the merits of the petitions filed herein by the original petitioners was held before a trial Examiner, on October 28 through October 31, 1940, at which hearing petitioners appeared and introduced evidence in support of their respective contentions. District Board No. 1, District Board No. 2, District Board No. 3, District Board No. 6, Zacherl Coal Company, et al., J. and S. Coal Company, Superior Cherry Run Coal Corporation, Hamler Coal Mining Company, and Frank W. Albert also participated in the hearing. The record of the hearing is now being considered by the Examiner, and his report thereon is now in course of preparation.

On November 4, 1940, the original petitioners filed petitions asking that the matter of temporary relief be reconsidered on the basis of the record made at the hearing before the Examiner. On November 8, 1940, District Board No. 1 filed its answer to the last named petitions, contesting petitioners' right to temporary relief and requesting that the Board be permitted to present briefs and oral argument in opposition to the granting of temporary relief.

After re-examination of the application for temporary relief, the Director entered an Order on November 27, 1940, providing that pending the final disposition of the original petitions in these proceedings, temporary relief be granted to the extent that the low-grade "crop" coal produced by the strip mining method at petitioner's mines and which coal has not been mixed with other coal, be classified "H" in Size Group 3 and "K" in Size Groups 4 and 5 for shipment into all market areas, in the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck. Such temporary relief was subject to the observance of certain provisions specified in the Order. In all other respects, temporary relief prayed for was denied.

On December 4, 1940, the original petitioners filed a motion requesting that the Order dated November 27, 1940, be modified so as to grant a temporary reduction of the classifications established for the coals of petitioners' mines to "J" in all size groups, and so as temporarily to create a special classification for petitioners' so-called "crop" coals, establishing for such coals prices 30 cents under those for the "J" classification. Petitioners also requested leave to present oral arguments before the Director in support of their motion, but on December 10, 1940, an amendment thereto was filed requesting, in the alternative, an informal conference before members of the staff of the Coal Division designated by the Director.

On December 10, 1940, District Board No. 1 filed a motion on behalf of the board and the code members it represents, praying that the temporary relief granted by the Order dated November 27, 1940, be rescinded, and that the motion filed by the original petitioners dated December 4, 1940, be denied.

Pursuant to the Rules and Regulations Governing Practice and Procedure in 4 II (d) petitions, and after due notice to all parties, an informal conference concerning the motion of the original petitioners, as amended, and that of District Board No. 1 to rescind the temporary relief granted and to deny the petitioners' motion, was held by the Division on December 27, 1940 (commencing at 10 a. m. and continuing until 4:15 p. m.). A full report of the conference has been submitted to the Director.

The following persons were represented at this second conference: the original petitioners, Hamler Coal Mining Company, Allegheny River Mining Company, J. & S. Coal Company, and District Boards Nos. 1 and 3.

I have considered the statements made at the conference and have re-examined the record made before the Examiner.

It appears from representations made at this second conference that no coals have been loaded or produced at the P. & G. mine since November 21, 1940; that the Hercules mine is operating only one or two days, and the Elba and Clarion mines approximately three days per

week; that the Harlan mine has worked only one day since October 1; and that the Wolf-O-Lack mine has likewise suspended operations. It further appears that petitioners have been unable to market their "good quality" coals in tonnages at all commensurate with the tonnages shipped during the same months of 1939 or the early months of 1940, particularly in so far as rail shipments are concerned. Petitioners represent that they have lost many of their regular consumers to mines of Districts Nos. 2 and 3, and that, in the event temporary relief is not granted them, they will have to close down within the next month.

It is not clear that the difficulties experienced by petitioners in operating their mines and in marketing their coals can be ascribed completely to the classifications and effective minimum prices accorded those coals. Thus, other mines of District No. 1, classified lower, have likewise been forced to curtail operations. It does appear, however, that the classifications and prices now established are in part the cause of petitioners' grievances. This is particularly evident from the experience of petitioners since October 31, 1940, when the hearing was terminated before the Examiner. It should be noted, as well, that a representative of the intervenor Hamler Coal Mining Company, admitted that the Clarion strip mine coals should be classified the same as the coals of the Hamler mine, now classified "G" in Size Groups 1-3 and "H" in Size Groups 4 and 5.

It seems desirable, therefore, to reduce the effective classifications and minimum prices for petitioners' "good quality" coals, pending final disposition of the original petitions. Such reductions must be so limited, however, that, while they may permit petitioners to maintain their fair competitive opportunities, they will not prejudice the opportunities of competing coals.

In view of the foregoing circumstances, the Director is of the opinion that the classifications now effective for the so-called "good quality" or "top grade" coals of the petitioners' mines (the Harlan, P. and G., Hercules, Elba, Docsmith, and Lone Tree mines) should be temporarily reduced to "G" in Size Group 3 and "H" in Size Groups 4 and 5, subject to the provisions hereinafter set forth.

The Director is of the opinion further that the provisions of the Order dated November 27, 1940, in so far as it relates to petitioners' "crop" coals, shall remain in effect.

At the second conference, the original petitioners stated that they were willing to limit their application for temporary relief to 60 per cent of the average monthly tonnage shipped during the first nine months of 1940, and for shipments only to Market Areas 2, 4, and 10. The Director believes that such limitations are necessary in order to prevent any injury to competitive producers. The temporary reductions of classifications and prices provided in this Order and in the

Order dated November 27, 1940 shall accordingly apply only for shipments by rail into Market Areas 2, 4, and 10 and for shipments from each mine not to exceed in any calendar month the average monthly tonnage shipped from that particular mine for the nine months from January 1 to September 30, 1940. Each of the original petitioners herein shall also file on or before January 11 and weekly thereafter, reports showing the weekly tonnages (broken down as to size and quality of coal) produced at and shipped at his mine, and the consumers to whom such shipments were made.

In view of the fact that District Board No. 1 intends to re-examine the classifications here involved, among others, in the near future, and in view of the necessity for testing the accuracy of the revised classifications, the temporary relief granted herein and in the Order of November 27, 1940, and the provisions thereof, should remain effective only to and including February 28, 1941. At the end of that day, the relief granted in this Order and in the Order of November 27, 1940, shall terminate unless extended by further order of the Director.

The Director is also of the opinion that the Examiner before whom final hearing in this matter was held should not submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, as provided in the Notice of and Order for Hearing dated October 14, 1940, until February 28, 1941, unless otherwise ordered, since the Director is of the opinion that it may be advisable or necessary at or before that time to reopen the record for the purpose of receiving evidence concerning the experience of petitioners from October 31, 1940.

Accordingly, it is so ordered.

Dated: January 9, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-243; Filed, January 10, 1941;
11:34 a. m.]

[Docket A-96]

PETITION OF WILMINGTON COAL MINES, INC., FOR THE REDUCTION OF MINIMUM PRICES FOR SIZE GROUP 14, MINE INDEX 189, DISTRICT 10, PURSUANT TO SECTION 4 II (D) OF THE BITUMINOUS COAL ACT OF 1937

ORDER CONSENTING TO WITHDRAWAL OF PETITION

Upon the request of the petitioner, Wilmington Coal Mines, Inc., the Director consents to the withdrawal of its petition and to the dismissal without prejudice of the proceedings in this docket, and to that effect

It is so ordered.

Dated: January 9, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-240; Filed, January 10, 1941;
11:33 a. m.]

[Docket No. A-173]

PETITION OF O. W. STEVENS, FRED TANO, ET AL, FOR REVISION OF EFFECTIVE MINIMUM PRICES OF CERTAIN MINES IN DISTRICT NO. 3 SELLING COAL FOR RESALE TO THE BETHLEHEM-FAIRMONT COAL COMPANY, PURSUANT TO SECTION 4 II (D) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER POSTPONING HEARING HERETOFORE SCHEDULED FOR JANUARY 6, 1941

The petitioners in the above entitled matter having requested a continuance for thirty days of the hearing therein, heretofore set for January 6, 1941, by order of the Director dated December 13, 1940, and there having been no opposition thereto;

It is ordered, That the hearing in the above entitled Docket No. A-173 be postponed from January 6, 1941, until February 5, 1941, at 10 a. m. and be held at that date before W. A. Shipman or any other officer or officers of the Division duly designated to preside at said hearing, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

Dated: January 9, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-241; Filed, January 10, 1941;
11:33 a. m.]

[Docket No. A-195]

PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 11 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR DISTRICT 11, BY PROVIDING DEDUCTIONS IN MINE PRICES BASED UPON DIFFERENCES IN FREIGHT RATES AMONG DISTRICT 11 MINES FOR SHIPMENT TO MARKET AREAS 20, 21 AND 30-38, INCLUSIVE

MEMORANDUM OPINION AND ORDER MODIFYING TEMPORARY RELIEF HERETOFORE GRANTED

On December 2, 1940, the Director issued a Memorandum Opinion and Order providing for partial temporary relief in Docket No. A-195 and establishing, for reasons stated therein, a procedure whereby motions for additional temporary relief would be entertained. This procedure contemplates, *inter alia*, the reopening of the hearing for the purpose of considering the issue of further temporary relief, on due notice to all parties.

On December 19, 1940, the original petitioner filed a motion to modify the order of December 2, 1940, granting partial temporary relief. This motion prays for revision of that order so as to provide for the granting of additional temporary relief upon the submission of an appropriate affidavit by a code member in District 11, to be served on all parties of record in this matter, setting forth, *inter alia*,

that it has heretofore shipped coal to a designated destination in the market areas named in the original petition, but is now barred from doing so because of its inability to adjust its mine price so as to neutralize a lower freight rate to the same destination favoring another mine in District 11. The motion stipulates the following conditions and limitations in connection with the disposition of such affidavits:

(1) that the price reduction prayed for shall not exceed fifty cents;

(2) that certain specified information shall be furnished concerning the code member's past shipments to the destination in question;

(3) that no counter-affidavit is filed by any code member shipping to the same destination within five days after the affidavit is served upon the parties of record in Docket No. A-195;

(4) that if such a counter-affidavit is filed, the issue presented shall be set down for immediate hearing;

and that

(5) any action taken with respect to temporary relief shall not affect the permanent order to be entered in this proceeding.

On December 30, 1940, interveners Chicago, Wilmington and Franklin Coal Company, *et al.* filed a reply brief to the aforesaid motion, urging that it be denied as to Market Areas 35 to 38, inclusive, for the reason that to grant it would unduly favor District 11 code members and unduly discriminate against District 10 code members (1) because only the former would be accorded adjustments therein for differences in freight rates, and (2) because the modification requested might open the door to the recognition of such adjustments in those areas for twenty-six standard fifth vein mines of District 11 to equalize the lower rate enjoyed therein by only one mine bearing the same classification, which, assertedly, would be a case of "the tail wagging the dog."

The fundamental purport of the requested modification of the Order of December 2, 1940, granting partial temporary relief herein, appears to be to provide for the granting of additional temporary relief upon affidavit, without a hearing, only where there is no opposition thereto. In such situations it appears proper that there should be established a means whereby, if deemed appropriate by the Director, relief may be afforded without further proceedings, and that the elimination of a hearing, in appropriate cases, would not unduly prejudice other interested persons pending final disposition of this proceeding.

With minor exceptions the detailed procedure suggested in the original petitioner's motion is eminently fair and reasonable. The Director is of the opinion, however, that it should be slightly altered to remedy the following criticisms: It does not in terms reserve to the Director the right to pass upon the

propriety of the reduction requested or, should it be deemed necessary and proper, to require a hearing, or any other further proceeding, in the absence of the filing of a counter-affidavit. The Director deems the time specified for the filing of counter-affidavits—five days—to be too short in view of the fact that only parties of record would receive notice, and the district board parties would thus have the burden of notifying their code members of the filing of the original affidavit and its contents. Although all parties of record, particularly district boards, would be entitled to contest the issues raised by such an affidavit, if presented at a hearing, the motion would restrict the persons qualified to file counter-affidavits to code members shipping to the destination in question. Inasmuch as the affidavit would purport to serve *per se* as a sufficient basis for the granting of temporary relief if no counter-affidavit were filed, the Director believes that more information should be set forth therein than is required to be included according to the motion, particularly with respect to the identity of the consumer and the time and nature of his alleged complaint.

Since the original petitioner is already enabled to petition for a reopening of the hearing herein to consider the question of temporary relief in Market Areas 35-38, inclusive, under the terms of the Order of December 2, 1940, granting temporary relief in part, the Director is of the opinion that interveners Chicago, Wilmington and Franklin Coal Company *et al.* will not be unduly prejudiced by the entry of an order modifying the aforementioned Order of December 2, 1940, so as to provide for the granting of additional temporary relief, in appropriate cases, upon affidavit, in accordance with the motion of the original petitioner and subject to the additional safeguards specified in the preceding paragraph.

In view of the foregoing circumstances, it appears to the Director that a reasonable showing of necessity has been made for modification of the order granting temporary relief in part, heretofore entered in this proceeding on December 2, 1940; and that an adequate showing has been made that the modification of the latter order, along the lines requested by the original petitioner, will not unduly prejudice other interested persons pending final disposition of this proceeding.

Now, therefore, it is ordered, That the Order of December 2, 1940, Granting, In Part, Temporary Relief in the above-entitled matter is modified, as follows: Commencing forthwith, in order to protect the interests of other producers in District 11, pending final disposition of this proceeding, the following procedure is established whereby additional temporary relief may be extended to District Board 11:

On behalf of any code member in District 11, which authorizes it so to do, District Board 11 may file an "applica-

tion" for a reduction in the effective minimum prices for a specified mine for shipment to a designated destination in Market Areas 20, 21, and 30-38, inclusive, by an amount not exceeding the difference between the freight rate to that destination from the specified mine and from the mine in District 11 having the lowest freight rate thereto, and in no event exceeding 50 cents. The "application" shall be accompanied by an affidavit from the code member operating the mine in question which shall include:

(a) the name of the code member, the name and mine index number of the mine in question, its location and billing point, and the railroad serving the mine;

(b) the freight rate from the affiant's mine to the destination specified in the application, and the lowest freight rate thereto from any competitive mine in District 11;

(c) the tonnage shipped by the affiant from the mine in question to the destination involved in 1939 and 1940, divided as to sizes and months, and the names of consumers to whom the coal has been furnished;

(d) the full and detailed nature of the complaints made by the consumers concerning the difference in the freight rate between the affiant's mine and any other mine in District 11 to the same destination, the date of such complaints, and a facsimile or copy of any complaint made in writing;

(e) the proportion of coal purchased by such consumers from the affiant's mine prior to October 1, 1940, compared with his total purchases of coal from mines in District 11, the corresponding figures since October 1, 1940, and if the consumer has shifted his patronage from the affiant's mine to another mine in District 11, the name of the latter mine and a statement that the shift was caused by a freight rate advantage enjoyed by the latter mine, compared with the affiant's mine, to the consumer's destination.

If no counter-affidavit is filed with the Division by any code member or by any party to this proceeding within seven days after the application and accompanying affidavit are served upon all parties of record in Docket A-195 and the Statistical Bureaus for Districts 7, 8, 10 and 11, the Director will promptly notify District Board 11, all parties of record herein, and the Statistical Bureaus for Districts 7, 8, 10 and 11, whether the requested reduction may be made or of any further proceedings in connection with the application which he deems to be necessary and appropriate.

Notice is hereby given that applications to stay, terminate or modify the temporary relief granted in this order may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Nothing in the foregoing order, or the memorandum opinion in accordance with which it has been entered, shall be deemed to constitute a ruling or expression of the Director's views concerning the final disposition of the above-entitled matter.

Dated: January 9, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-244; Filed, January 10, 1941; 11:34 a. m.]

[Docket No. A-306]

PETITION OF MAGIC CITY COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 15, FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR CERTAIN COALS OF ITS TROJAN MINE (MINE INDEX NO. 795) IN SAID DISTRICT, PURSUANT TO SECTION 4 II (D) OF THE BITUMINOUS COAL ACT OF 1937

[Docket No. A-361]

PETITION OF JOHN W. PATCH, A CODE MEMBER IN DISTRICT NO. 15, FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR CERTAIN COALS OF HIS PATCH MINE (MINE INDEX NO. 881) IN SAID DISTRICT, PURSUANT TO SECTION 4 II (D) OF THE BITUMINOUS COAL ACT OF 1937

ORDER OF CONSOLIDATION AND NOTICE OF AND ORDER FOR HEARING ON TEMPORARY AND PERMANENT RELIEF

Petitions requesting temporary and permanent relief, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named parties; and it appearing that said petitions raise analogous issues,

It is ordered, That the above-entitled matters be consolidated for the purpose of hearing, of determination and for such other purposes as the officer hereinafter designated to preside at such hearing may deem appropriate;

It is further ordered, That a hearing on the prayers for temporary and permanent relief in the above-entitled matters under the applicable provisions of said Act and the rules of the Division be held on February 4, 1941, at 2 o'clock in the afternoon of that day, at a hearing room of the Bituminous Coal Division, at Room 531, Federal Building, Kansas City, Missouri.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matters. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation

of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law: *Provided, however*, That the prayer for temporary relief shall be reserved within the jurisdiction of the Director, for such action as he may deem appropriate, at any time during the course of the proceedings in the above-entitled matters.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 30, 1941.

All persons are hereby notified that the hearing in the above-entitled matters and any orders entered therein, may concern, in addition to the matters specifically alleged in the petitions other matters necessarily incidental and related thereto, which may be raised by amendment to the petitions, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of the petitions hereinbefore filed.

The matters concerned herewith are in regard to:

(1) As to Docket No. A-306, the question of revising the effective minimum prices for certain coals of the Trojan Mine (Mine Index No. 795) of the Magic City Coal Company, a code member in District No. 15, and

(2) As to Docket No. A-361, the question of revising the effective minimum prices for certain coals of the Patch Mine (Mine Index No. 881) of John W. Patch, a code member in District No. 15.

Dated: January 9, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-242; Filed, January 10, 1941;
11:33 a. m.]

DEPARTMENT OF COMMERCE.

Civil Aeronautics Authority.

[Docket No. 1-406 (A)-1]

PETITION OF BRANIFF AIRWAYS, INC.

NOTICE OF ORAL ARGUMENT

The above-entitled proceeding, being the petition of Braniff Airways, Inc., for an order fixing and determining the fair and reasonable rates of compensation

for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, over Route Nos. 9, 15 and 50, pursuant to section 406 of the Civil Aeronautics Act of 1938, as amended, being Docket No. 1-406 (A)-1, is assigned for oral argument before the Board, Room 5044 Commerce Building, Washington, D. C., on January 15, 1941, 10 o'clock a. m. (Eastern Standard Time).

January 8, 1941.

By the Civil Aeronautics Board.

[SEAL]

THOMAS G. EARLY,
Secretary.

[F. R. Doc. 41-229; Filed, January 10, 1941;
9:22 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and part 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective January 10, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

American Letter Service, 416 South Dearborn Street, Chicago, Illinois; Direct Mail Advertising; 1 learner; 6 weeks for any one learner; 25¢ per hour; Type-Setter, Multigraph and Mimeograph Machine Operator; March 12, 1941.

Signed at Washington, D. C., this 10th day of January 1941.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 41-246; Filed, January 10, 1941;
11:40 a. m.]

FEDERAL DEPOSIT INSURANCE CORPORATION.

RESOLUTION AUTHORIZING CALL FOR REPORT OF CONDITION AND ANNUAL REPORT OF EARNINGS AND DIVIDENDS

JANUARY 3, 1941.

Pursuant to the provisions of paragraph (3) of subsection (k) of section 12B of the Federal Reserve Act, as amended, be it resolved that each insured State non-member bank, except a District bank, be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Tuesday, December 31, 1940, on Form 64—Call No. 14, and a report of earnings and dividends for the year ending December 31, 1940 on Form 73.¹ Said report of condition shall be prepared in accordance with the booklet entitled, "Instructions for the Preparation of Reports of Condition on Form 64", and said annual report of earnings and dividends shall be prepared in accordance with the instruction booklet issued as of December 1937.

Adopted by the Board of Directors of the Federal Deposit Insurance Corporation on December 31, 1940.

E. F. DOWNEY,
Secretary.

[F. R. Doc. 41-225; Filed, January 9, 1941;
2:57 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5665]

IN THE MATTER OF THE CONNECTICUT LIGHT & POWER COMPANY

ORDER TO SHOW CAUSE

JANUARY 7, 1941.

The Commission, having under consideration the failure or refusal of The Connecticut Light & Power Company to comply with numerous orders and requirements of the Commission made under authority of the Federal Power Act;

It appearing to the Commission that:

(a) Pursuant to the authority granted by the Federal Power Act:

(1) By Order No. 42, adopted June 16, 1936, the Commission prescribed a Uniform System of Accounts for Public Utilities and Licensees, and by its Orders Nos. 42-A, 43, and 45 amended and supplemented the provisions of the said Uniform System of Accounts;

(2) By order adopted May 11, 1937, the Commission directed all public utilities and licensees subject to its jurisdiction to submit certain data, state-

¹ Both forms filed as a part of the original document.

ments, and information, pursuant to Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts, on or before January 1, 1939;

(3) By Order No. 36, adopted December 16, 1935, as amended and readopted February 4, 1936, Order No. 44, adopted December 31, 1936, and Order No. 50, adopted April 19, 1938, as amended by Order No. 60, adopted May 9, 1939, Order No. 62, adopted May 23, 1939, and Order No. 67 adopted November 3, 1939, the Commission prescribed Rules of Practice and Regulations governing the filing of rate schedules subject to its jurisdiction;

(4) By orders adopted August 6, 1937, October 12, 1937, October 22, 1938, and October 17, 1939, and by Order No. 75, adopted September 24, 1940, the Commission prescribed and amended a form of Annual Financial and Statistical Report, FPC Form No. 1, to be filed with the Commission by each Class A and B private, municipal, and public corporation engaged in the generation, transmission, or distribution of electricity, whether or not subject to the jurisdiction of the Commission;

(5) By orders adopted April 5, 1938, and December 6, 1938, Order No. 58, adopted February 23, 1939, and Orders Nos. 70 and 58-A, adopted November 14, 1939, the Commission approved and prescribed the preparing and filing of Power System Statements, FPC Form No. 64 (1937), FPC Form No. 64 (Revised 1938), FPC Form No. 64-A (1938), FPC Form No. 64 (1939) and FPC Form No. 64-A (1939), respectively, by each corporation, person, agency, authority, or other legal entity or instrumentality, whether public or private, which operates facilities for the generation, or transmission, or distribution of electric energy;

(b) All of the orders above described were duly served upon The Connecticut Light & Power Company;

(c) The time for compliance with all of the orders and requirements above described has expired;

(d) The Connecticut Light & Power Company may be a public utility under the provisions of the Federal Power Act;

(e) The Connecticut Light & Power Company is a corporation engaged in the business of and operating facilities for the generation, transmission, distribution and sale of electric energy;

(f) The Connecticut Light & Power Company has failed to comply with the Commission's Order No. 42 by failing or refusing to keep its books in accordance with the system of accounts prescribed thereunder, effective January 1, 1937;

(g) The Connecticut Light & Power Company has failed to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and with the Commission's order adopted May 11, 1937;

(h) On January 1, 1939, The Connecticut Light & Power Company redeemed and refinanced its 3½% First and Refunding Mortgage Bonds, Series E, and the unamortized debt discount and expense applicable thereto is being amortized over a period subsequent to the date of redemption of such bonds without the permission of the Commission required under Balance Sheet Accounts Instruction 6-E of the Commission's Uniform System of Accounts;

(i) The Connecticut Light & Power Company has failed to comply with the Rules of Practice and Regulations prescribed by the Commission by failing or refusing to file rate schedules subject to its jurisdiction;

(j) The Connecticut Light & Power Company has failed to comply with the Commission's orders adopted August 6, 1937, October 12, 1937, October 22, 1938, and October 17, 1939, and Order No. 75, adopted September 24, 1940, by failing or refusing to make proper verification and oath to its Annual Reports, FPC Form No. 1, to this Commission for the years ending December 31, 1937, December 31, 1938, and December 31, 1939;

(k) The Connecticut Light & Power Company has failed to comply with the orders listed in paragraph (j) above by failing or refusing to make proper attestation and supplemental oath by its President, or other chief officer, to its Annual Report, FPC Form No. 1, to this Commission for the year ended December 31, 1939;

(l) The Connecticut Light & Power Company has failed to comply with the Commission's orders adopted April 5, 1938, and December 6, 1938, and Orders Nos. 58, 58-A and 70, by failing or refusing to make proper certification to Power System Statements, FPC Form No. 64 (1937), FPC Form No. 64 (Revised 1938), FPC Form No. 64-A (1938), FPC Form No. 64 (1939) and FPC Form No. 64-A (1939);

(m) The Connecticut Light & Power Company has failed or refused to furnish information requested by the Commission with respect to a hurricane and flood investigation conducted in December 1938;

(n) The Connecticut Light & Power Company, by the acts and failure or refusal to act referred to in paragraph (f) through (m) above, and otherwise, has pursued a general course of conduct with respect to compliance with Commission orders and requirements and with requests for information by this Commission pursuant to the Federal Power Act which may amount to wilful failure to comply with such orders, requirements and requests;

The Commission orders that:

(A) The Connecticut Light & Power Company, under oath, show cause, if any there be, at a public hearing to be held commencing at 9:30 a. m., February

11, 1941, in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

(1) Why it is not now, and has not been since August 26, 1935, a public utility within the meaning of the Federal Power Act;

(2) Why it has failed or refused to comply with the Commission's Order No. 42, adopted June 16, 1936, and adopt the Uniform System of Accounts prescribed thereby;

(3) Why it has failed to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts, and with the Commission's Order adopted May 11, 1937;

(4) Why it has failed to apply for and secure the permission of the Commission to amortize the unamortized debt discount and expense applicable to its redeemed and refinanced 3½% First and Refunding Mortgage Bonds, Series E, in accordance with the provisions of Balance Sheet Accounts Instruction 6-E of the Commission's Uniform System of Accounts;

(5) Why it has failed or refused to file rate schedules subject to the jurisdiction of the Commission;

(6) Why it has failed or refused to make proper verification and oath as a public utility in its Annual Reports to this Commission for the years ending December 31, 1937, December 31, 1938, and December 31, 1939;

(7) Why it has failed or refused to make proper attestation and supplemental oath by its President, or other chief officer, in its Annual Report to this Commission for the year ended December 31, 1939;

(8) Why it has failed or refused to make proper certification to Power System Statements FPC Form No. 64 (1937), FPC Form No. 64 (Revised 1938), FPC Form No. 64-A (1938), FPC Form No. 64 (1939), and FPC Form No. 64-A (1939);

(9) Why it has failed or refused to furnish information requested by the Commission with respect to a hurricane and flood investigation conducted in December, 1938;

(10) Why the Commission should not institute appropriate proceedings against it, its officers, or directors for such failure or refusal to comply with applicable orders, requirements, and requests of the Commission;

(B) Nothing contained in this order shall be construed as a waiver or a stay of any of the requirements of any orders or other requests of the Commission which may be applicable to The Connecticut Light & Power Company.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-228; Filed, January 10, 1941; 9:22 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4168]

IN THE MATTER OF NATIONAL RETAIL LIQUOR PACKAGE STORES ASSOCIATION, INC., ET AL.

SUBSTITUTE ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of January, A. D. 1941.

Whereas, William W. Sheppard, a Trial Examiner of this Commission, was heretofore appointed to take testimony and receive evidence in this proceeding, pursuant to authority vested in the Federal Trade Commission under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41), and whereas, there is a hearing scheduled in the above proceeding on Monday, January 13, 1941, at ten o'clock in the forenoon of that day (eastern standard time), Hotel St. George, Brooklyn, New York, and whereas, the said William W. Sheppard by reason of other duties to perform will be unable to continue therein.

It is therefore ordered, That John L. Hornor, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding in the place and stead of William W. Sheppard, Trial Examiner heretofore appointed.

By direction of the Commission:

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-237; Filed, January 10, 1941; 11:00 a. m.]

[Docket No. 4051]

IN THE MATTER OF D. M. ALACHUZOS COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of January, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Lewis C. Russell, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on

Thursday, January 23, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Court Room No. 6, Federal Building, 9th and Chestnut Streets, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-236; Filed, January 10, 1941; 10:59 a. m.]

[Docket No. 4302]

IN THE MATTER OF JOHN H. RYDER, AN INDIVIDUAL, AND ABBOTT & WALKER, INC.; THE AMSTERDAM SYNDICATE, INC.; BRADLEY ADVERTISING, INC.; DAYTON LEE, INC.; ADVERTISING, INC.; THOMAS GAILLORD & BREWSTER, INC.; BAIDS, INC.; NORM ADVERTISING, INC.; VANDERBELT ADVERTISING AGENCY, INC.; THOMAS GAILLORD & REYNOLDS, INC.; ADVERTISERS EXCHANGE, INC.; BOYD SCOTT COMPANY, INC.; MC-TEE & COMPANY, INC.; VAN TINE FEATURES SYNDICATE, INC.; CARR & LEWIS, INC.; CLARE & FOSTER, INC.; HARGRAVE COMPANY, INC.; NAMRON ADVERTISING, INC.; AND JOHN SMITHSON COMPANY, INC.; CORPORATIONS

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of January, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That Lewis C. Russell, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, January 20, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Ex-

aminer will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-238; Filed, January 10, 1941; 11:00 a. m.]

[Docket No. 4374]

IN THE MATTER OF BURRY BISCUIT COMPANY, INC., AND TASTYBUD BISCUIT COMPANY, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of January, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That Lewis C. Russell, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, January 22, 1941, at ten o'clock in the forenoon of that day (eastern standard time), in the Civil Service Examination Room, Federal Building, Elizabeth, New Jersey.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission:

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-239; Filed, January 10, 1941; 11:01 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-99]

IN THE MATTER OF PALESTINE ECONOMIC CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of January, A. D. 1941.

An application having been duly filed by the above named applicant under and

pursuant to the provisions of section 3 (b) (2) of the Investment Company Act of 1940, for an order declaring it to be excepted from the provisions of said Investment Company Act on the ground that the applicant is primarily engaged directly or through majority owned subsidiaries in a business other than that of investing, reinvesting, owning, holding or trading in securities;

It is ordered, That a hearing on the matter of the application of the above named applicant under and pursuant to section 3 (b) (2) of the Investment Company Act of 1940 be held on Janu-

ary 22, 1941, at 10:15 o'clock in the forenoon of that day at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That James G. Ewell, Esq., or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission

under sections 41 and 42 of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-245; Filed, January 10, 1941;
11:34 a. m.]

THE JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION
PUBLISHED WEEKLY
CHICAGO, ILL., U.S.A.
1917

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